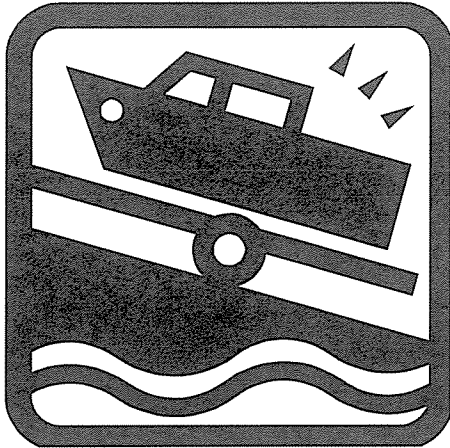


City Council
February 13, 2012
Monday



Committee of the Whole
5:00 P.M.
Regular Meeting
6:00 P.M.



Cowles Council Chambers
City Hall
491 E. Pioneer Avenue
Homer, Alaska

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2012

FEBRUARY

- Monday 13th** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 14th** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION** Regular Meeting 6:00 p.m.
- Wednesday 15th** **PLANNING COMMISSION** Worksession 5:30 p.m. and Regular Meeting 5:00 p.m.
- Thursday 16th** **LEASE COMMITTEE** Special Meeting 3:00 p.m.
- PORT AND HARBOR IMPROVEMENT COMMITTEE** 5:30 p.m.
- PARKS AND RECREATION ADVISORY COMMISSION** Regular Meeting 5:30 p.m.
- Monday 20th** **CITY OFFICES CLOSED** in observance of PRESIDENTS' DAY.
- Tuesday 21st** **TRANSPORTATION ADVISORY COMMITTEE** Regular Meeting 5:30 p.m.
- Wednesday 22nd** **PORT AND HARBOR ADVISORY COMMISSION** Regular Meeting 5:00 p.m.
- Thursday 23rd** **LIBRARY LANDSCAPE COMMITTEE** 12:00 – 1:00 p.m. at Library.
- KACHEMAK DRIVE PATH COMMITTEE** 5:30 p.m.
- PORT AND HARBOR IMPROVEMENT COMMITTEE** 5:30 p.m.
- Monday 27th** **CITY COUNCIL** Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.**
- Library Advisory Board 1st Tuesday 5:00 p.m.**
- Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.**
- Parks and Recreation Advisory Commission 3rd Thursday with the exception of December 5:30 p.m.**
- Planning Commission 1st and 3rd Wednesday 6:30 p.m.**
- Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m.**
- Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.**
- Public Arts Committee months of February, May, August, and November 2nd Thursday 5:00 p.m.**
- Lease Committee Quarterly 2nd Thursday 3:00 p.m.**
- Permanent Fund Committee months of February, May, August, and November 2nd Thursday 5:15 p.m.**

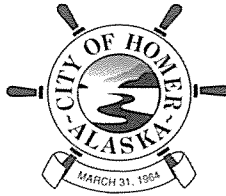
MAYOR AND CITY COUNCILMEMBERS AND TERMS

- JAMES C. HORNADAY, MAYOR – 12**
- BARBARA HOWARD, COUNCILMEMBER – 14**
- DAVID LEWIS, COUNCILMEMBER – 14**
- FRANCIE ROBERTS, COUNCILMEMBER – 12**
- KEVIN HOGAN, COUNCILMEMBER – 12**

MARY E. (BETH) WYTHER, COUNCILMEMBER – 13
BRYAN ZAK, COUNCILMEMBER - 13
City Manager, Walt Wrede
City Attorney, Thomas Klinkner

<http://www.cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address is:
clerk@ci.homer.ak.us Clerk's office phone number: direct line 235-3130, other number 435-
3106.

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
FEBRUARY 13, 2012

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

MEETING NOTICE
COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

Councilmember Wythe has requested telephonic participation or excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

3. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

6. ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, February 27, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



REGULAR MEETING
6:00 P.M. MONDAY
FEBRUARY 13, 2012

MAYOR JAMES C. HORNADAY
COUNCIL MEMBER BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER KEVIN HOGAN
CITY ATTORNEY THOMAS KLINKNER
CITY MANAGER WALT WREDE
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Wythe has requested telephonic participation or excusal.

Department Heads may be called upon from time to time to participate via teleconference.

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Special and Regular Meeting minutes of January 23, 2012. City Clerk. Recommend adoption.

Page 13

- B. **Memorandum 12-018**, from Deputy City Clerk, Re: Liquor License Renewal for Kharacters, AJ's Oldtown Steakhouse & Tavern, Grog Shop East End, Happy Face, Homer Brewing Company. Inc., and Frosty Bear Ice Cream Parlor & Crabbies Seafood.

Page 37

6. **VISITORS**

- A. **Miranda Weiss**, HoPP, Update on the Karen Hornaday Park Playground Project, 10 minutes.

7. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. **Mayor's Proclamation** - Brother Asaiah Bates Day – February 14, 2012

Page 53

- B. Borough Report

- C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

8. **PUBLIC HEARING(S)**

- A. **Crittenden Drive Reconstruction and Paving Improvement District** Page 57

- B. **Ordinance 12-05**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex. City Manager. Introduction January 23, 2012, Public Hearing and Second Reading February 13, 2012.

Page 69

- Memorandum 12-012 from City Manager as backup.

Page 73

9. **ORDINANCE(S)**

- A. **Ordinance 12-06**, An Ordinance of the City Council of Homer, Alaska, Amending the Karen Hornaday Park Project Budget Established via Ordinance 11-22 by Appropriating an Additional \$50,000 for Playground Equipment and Materials and Providing that Future Budget Amendments be Made by Resolution. City Manager/Parks and Recreation Advisory Commission. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012. Page 89

Memorandum 12-019 from Parks and Recreation Advisory Commission as backup
Page 93

- B. **Ordinance 12-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$81,000 from the General Fund Reserve (Fund Balance) to the City Hall Complex Budget for the Purpose of Acquiring New Furniture at City Hall. City Manager. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012. Page 135

Memorandum 12-023 from City Manager as backup. Page 139

- C. **Ordinance 12-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for FY 2009 and FY 2010 in the Amount of \$35,512.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012. Page 141

- D. **Ordinance 12-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit. City Manager/Public Works Director. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012. Page 159

Memorandum 12-024 from Public Works Director as backup. Page 163

- E. **Ordinance 12-10**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use. Planning. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012. Page 165

Memorandum 12-021 from City Planner as backup. Page 179

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 355

1. Memorandum from Port and Harbor Director, Re: End of 2011 Year
Update & Upcoming 2012 Projects Page 359

B. Games Report Page 367

C. Records Inventory Report Page 375

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. Port and Harbor Improvement Committee

F. Employee Committee Report

13. PENDING BUSINESS

A. **Resolution 12-008**, A Resolution of the City Council of Homer, Alaska, Approving a Cooperative Agreement Between the Alaska Department of Fish and Game, Division of Sport Fish, and the City of Homer, Regarding Repair, Replacement, and Rehabilitation of Infrastructure and Facilities at the Homer Load and Launch Ramp. City Manager/Port and Harbor Director. (*Postponed from January 23, 2012*) Page 377

14. NEW BUSINESS

15. RESOLUTIONS

A. **Resolution 12-012**, A Resolution of the City Council of Homer, Alaska, Amending the Port and Harbor Advisory Commission Bylaws Regular Meeting Time to be 5:00 p.m. in the Months of September through April and 6:00 p.m. in the Months of May, June, July, and August. City Clerk. Page 407

Memorandum 12-022 from Port and Harbor Advisory Commission as backup.

Page 409

- B. **Resolution 12-013**, A Resolution of the Homer City Council Expressing Support for the Homer Playground Project Proposal to Construct a New Playground at Karen Hornaday Park During a "Build Week" Scheduled for May 21-27, 2012, and Encouraging Community Participation. City Manager/Parks and Recreation Advisory Commission.

Page 411

Memorandum 12-020 from Parks and Recreation Advisory Commission as backup.

Page 413

- C. **Resolution 12-014**, A Resolution of the Homer City Council Approving a Mutual Aid Agreement Between the City of Homer Fire Department and Anchor Point Fire and Emergency Medical Service Area. City Manager/Fire Chief.

Page 415

- D. **Resolution 12-015**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Kenai Peninsula Economic Development District 2013 Economic Outlook Forum to Meet in Homer. Mayor/Zak.

Page 421

- E. **Resolution 12-016**, A Resolution of the City Council of Homer, Alaska, Expressing Support for House Bill 184 Relating to the Sharing of Tax Revenue from the Fisheries Business Tax and Fishery Resource Landing Tax with Municipalities; and Providing for an Effective Date. City Manager.

Page 423

16. **COMMENTS OF THE AUDIENCE**

17. **COMMENTS OF THE CITY ATTORNEY**

18. **COMMENTS OF THE CITY CLERK**

19. **COMMENTS OF THE CITY MANAGER**

20. **COMMENTS OF THE MAYOR**

21. **COMMENTS OF THE CITY COUNCIL**

22. **ADJOURNMENT**

Next Regular Meeting is Monday, February 27, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 12-03 a Special Meeting of the Homer City Council was called to order on January 23, 2012 at 4:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

ABSENT: HOGAN (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

NEW BUSINESS

A. **Memorandum 12-011**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (C)(2), Matters, Subjects that Tend to Prejudice the Reputation and Character of any Person, Provided the Person May Request a Public Discussion. (City Manager Wrede Annual Performance Evaluation).

City Manager Wrede prefers his annual performance evaluation be conducted in Executive Session.

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-011 to meet in Executive Session for City Manager Wrede's annual performance evaluation.

ZAK/WYTHE – SO MOVED.

There was no discussion.

VOTE: YES. ROBERTS, WYTHE, ZAK, HOWARD, LEWIS

Motion carried.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:50 p.m.

Mayor Pro Tempore Wythe stated Council met with the City Manager and provided feedback on his performance for the past year and also established some goals for the coming year. A formal report will be developed by Ms. Roberts to go into his personnel file.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:51 p.m. The next Regular Meeting is Monday, February 13, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-04 a Regular Meeting of the Homer City Council was called to order on January 23, 2012 at 6:08 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABBOUD
LIBRARY DIRECTOR DIXON
PUBLIC WORKS DIRECTOR MEYER

Department Heads may be called upon from time to time to participate via teleconference.

Council met for a Special Meeting from 4:00 p.m. to 4:51 p.m. in Executive Session to conduct the City Manager's evaluation. Council met as a Committee of the Whole from 5:00 p.m. to 6:01 p.m. to discuss Regular Meeting Agenda items and hear information from Charlie Pierce of Enstar about the proposed natural gas line to Homer.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was approved by consensus of the Council with the following changes: **PUBLIC HEARINGS** – Ordinance 12-01(S)(A) Sign Code Amendment, recommendations for amendments from City Attorney.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Leonard Wells, city resident, asked if the City negotiated with the Borough for the parcel for the amount as outlined in Ordinance 12-05.

RECONSIDERATION

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Special and Regular Meeting minutes of January 9, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-013**, from Deputy City Clerk, Re: Liquor License Renewal for Finn's, Cosmic Kitchen on the Spit, Cosmic Kitchen, Save-U-More, Down East Saloon.
- C. **Memorandum 12-014**, from Mayor, Re: Reappointment of Pete Wedin to the Port and Harbor Advisory Commission.

Mayor Hornaday called for a motion for approval of the recommendations of the consent agenda as read.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS

REPORT/COMMISSION

- A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the Assembly's last meeting was a short agenda but a long meeting. They opposed issuing a Certificate of Need for Kahtnu Ventures, LLC for an ambulatory surgery center in Kenai. Taxpayers built the Central Peninsula Hospital and South Peninsula Hospital and the surgery center would affect finances for both hospitals. The South Peninsula Hospital is now making profit and there are good hopes it will be in even better financial shape in the future.

The Borough appropriated a portion of the cruise ship tax to Homer for port improvements to help cruise ship passengers.

Assemblyman Smith indicated Borough Mayor Navarre supports the gas line to Homer and it is on their legislative list.

Asked by Councilmember Lewis if there was any progress on the Homer High School track, Assemblyman Smith answered he has been assured improvements to the track can get through the legislative process. More issues may arise if the track is linked with the football field as it will be additional funds. Mayor Navarre is fairly confident we can get the track fixed this year.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

A. **Ordinance 11-49**, An Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District, to Create a Differential Property Tax Zone to Levy Property Taxes to Fund Special Services Provided in the District. City Manager/City Attorney. (Introduction December 19, 2011 as emergency ordinance, Public Hearing and Second Reading January 23, 2012)

Ordinance 11-49(S), An Ordinance of the Homer City Council Adopting Homer City Code Chapter 15.10, Ocean Drive Loop Special Service District, to Create a Differential Property Tax Zone to Levy Property Taxes to Fund Special Services Provided in the District. City Manager/City Attorney.

Mayor Hornaday opened the public hearing.

Paul Hueper, city resident, expressed opposition based on the inequity of the tax that is based on property values. At a 30 mill rate he will be billed up to \$12,000 while his neighbor pays \$2,000, and the City zero. All property owners paid the same amount for the Seawall per lineal foot.

John Szajkowski, city resident, referenced his email that he sent to Mayor and Council, asking if there were questions he could answer. Councilmember Zak acknowledged the letter that brought up concerns that concerned him as well.

Don McNamara, city resident, expressed opposition to the inequity of the Special Service District assessments.

Donna Rae Faulkner, city resident, opposes the ordinance, citing it unfair, and asked if there were other funding mechanisms. She hopes the Army Corps of Engineers (COE) allows them to transfer the permit.

Leonard Wells, city resident, commented the City is responsible for getting into the Seawall mess. At the least property owners should be asked if they want to voluntarily go in, or allow no exemptions.

Marilyn Hueper, city resident, expressed frustration at not feeling optimistic about the process. She feels there is a bias against the Seawall residents, whereas the Seawall is a city-wide concern with property values and utilities at risk.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion to substitute Ordinance 11-49(S) for Ordinance 11-49.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-49(S) by reading of title only for second and final reading.

WYTHE/ROBERTS - SO MOVED.

City Manager Wrede noted the mil rate will be decided and set with a future resolution prior to June. It would be ideal if property owners could opt out of the district with the COE. The senior exemption applies to property taxes within a Special Service District. The City has always

agreed to pay their proportionate share of the Seawall. There is nothing to prevent coming back later to amend the ordinance.

Councilmember Howard commented on the perception the mil rate was set at 30 mills. The rate has not yet been set. The 30 mill rate is merely a state statute limitation.

VOTE: YES. ROBERTS, WYTHER, HOWARD, HOGAN, LEWIS

VOTE: NO. LEWIS

Motion carried.

- B. **Ordinance 12-01(S)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer City Code 21.60.090, Signs in the Public Right-of-Way; Homer City Code 21.60.100, Signs Exempt From Regulation Under This Chapter; Homer City Code 21.60.110 Signs Prohibited Under This Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing Homer City Code 21.60.095, Electoral Signs; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-007 from City Planner as backup.

Memorandum 12-008 from City Attorney as backup.

Mayor Hornaday opened the public hearing.

Scott Fraley, city resident, expressed opposition to the changes for sandwich board signs. They are a big benefit to the community, are not a danger, and have not caused any accidents. The Spit and town signage regulations should be separate.

Holly VanPelt, Homer resident, commented signs do more than sell a service or product; they help a business person create business to bring in income. A sign is a source of information and needs to be large enough to inform the public in a safe manner.

Adrienne Sweeney, city resident, commented the ordinance needs updates to ensure fairness. She opposes deleting temporary signs and signboards due to current economic times. To solve the enforcement problem she asked that the 14-day language be stricken. If one sign for a business is

allowed 365 days a year with reasonable maintenance and encroachment rules there would be no enforcement problem. It would solve the issue of small businesses versus non profits, real estate, and political signage. The ordinance violates the Alaska Constitution as it unfairly discriminates commercial speech based on the contents.

Nelton Palma, city resident, noted it was hard enough in the winter as a businessman to provide a service and keep people employed. Every owner that puts up a sign cares that it looks well.

Kevin Fraley, Homer resident, commented the Planning Commission is being anti-business with the ordinance. There are no specific incidences cited according to the Police Department that are reason to make changes. It is the personal choices of planning commissioners, who need to do what is best for the community at large.

Fred Kaatz, Homer resident, spent over \$900 to have a sign made and cannot use it as he expected. The sign now sits so far off the road it is hardly visible. Sign ordinances are anti-business; businesses make this community thrive.

Leonard Wells, city resident, commented the sandwich board advertisements allow people to come through town to make plans for later in the week.

Chip Duggan, city resident, noted the short time for businesses on the Spit and some of them would not be there without the signs. Realtors' signs are everywhere and they leave them up advertising they've sold. He questioned what the safety difference is.

Marilyn Hueper, city resident, believes visuals are a huge important aspect of communicating clearly. Sandwich boards and banners create an energy of something that is happening. She suggested a frame template for all businesses to create uniformity.

Paul Hueper, city resident, agrees with business owners that spoke up. Signage stimulates growth, adds excitement, and increases demand for products offered. Growth stimulates the tax base.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-01(S)(A) by reading of title only for second and final reading.

WYTHE/ROBERTS - SO MOVED.

WYTHE/ROBERTS - MOVED TO AMEND LINE 18-19 AFTER ELECTORAL SIGNS AND MOVE THAT PRIOR TO THE "AND REPEALING" STATEMENT ON LINE 18.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOWARD- MOVED TO AMEND LINES 67 AND 68 WHICH APPEAR AS STRICKEN, TO RETAIN THE DEFINITION FOR ELECTORAL SIGNS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK – MOVED TO SEND THIS BACK TO THE PLANNING COMMISSION WITH SOMETHING FOR SANDWICH BOARD SIGNS.

Councilmember Zak asked that additional recommendations be made to make the ordinance pro-business.

Councilmember Hogan would like to see it go to the EDC (Economic Development Advisory Commission).

Councilmember Roberts prefers to send it back to the Planning Commission than the EDC as they know the regulations. The Planning Commission deserves to weigh in again.

WYTHE/ROBERTS – MOVED FOR A FRIENDLY AMENDMENT TO DAVE'S (LEWIS) AMENDMENT THAT IT GO BACK TO THE PLANNING COMMISSION FOR THESE CONSIDERATIONS AND THEN GO ON TO THE EDC FOR REVIEW AND CONSIDERATION BEFORE IT COMES BACK TO THE COUNCIL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Manager Wrede asked that Council be clear in what the Planning Commission is to consider.

Councilmember Hogan intended to vote no with the reluctance we will still have the existing sign ordinance that has poorly served the community. He would like the Planning Commission to look at this from a business perspective and get out of people's hair.

HOWARD/WYTHE – MOVED TO AMEND THAT THE TEMPORARY SIGN SECTION BE REINSTATED THROUGHOUT THE ENTIRE ORDINANCE AND SOME LIMITATION BE PLACED ON REAL ESTATE SIGNS, AND ELECTORAL SIGNS STAY AT 32 FT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/WYTHE – MOVED TO AMEND THAT THEY COME UP WITH A POLICY FOR SANDWICH SIGNS AND HOW THEY CAN BE USED AS AN ADVERTISING TOOL.

Councilmember Roberts asked for clarification on sandwich signs, whether they could be moved to another physical location.

City Planner Abboud answered the sandwich sign could be moved within the lot of the business, under some circumstances you can have an off premise sign but not a sandwich sign. There are a lot of options. The Planning Commission knows how to make the ordinance; EDC does not. He would be glad to listen to EDC and bring their concepts to the Planning Commission. The sign code could be reverted to allow for temporary signs for businesses. Sandwich signs are not allowed in public right-of-ways.

Councilmember Howard expressed opposition to allowing signs in right-of-ways. City Planner Abboud answered the City cannot allow anything less restrictive than the State would allow in the right-of-way.

City Manager Wrede advised if the ordinance was referred to EDC they can send their comments to the Council, but asked that EDC does not try to rewrite the ordinance as that would bog things down.

Councilmember Hogan asked that if referred to EDC with their comments to the Planning Commission than it can be referred to Council.

Councilmember Wythe called for a point of order, noting the motion on the floor.

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

Motion carried.

ZAK/HOWARD – MOVED THAT THEY CONSIDER PIONEER AVENUE AND THE DOWNTOWN SECTION AS TWO SEPARATE AREAS WHEN IT COMES TO SIGNS.

Councilmember Robert expressed opposition, citing all businesses in the city should be treated equally.

VOTE: YES. ZAK

VOTE: NO. HOGAN, LEWIS, ROBERTS, WYTHE, HOWARD

Motion failed.

ZAK/HOGAN – MOVED TO SEND IT BACK WITH AN EMPHASIS PLACED ON BEING PRO-BUSINESS.

Councilmember Howard asked how it could be incorporated legislatively, as different people may view pro-business from two different perspectives. It is asking for philosophical input.

Councilmember Wythe expressed hope the pro-business aspect would be taken care of by sending it to the EDC who would look at how it impacts local businesses.

VOTE: YES. HOGAN, ZAK

VOTE: NO. HOWARD, LEWIS, ROBERTS, WYTHE

Motion failed.

ZAK/HOGAN – MOVED TO SEND IT BACK WITH AN EMPHASIS BASED ON SAFETY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK – MOVED TO SEND IT BACK WITH BALANCED PRO-BUSINESS WITH AESTHETIC FRAMEWORK.

Motion failed for lack of a second.

WYTHE/ROBERTS – MOVED TO HAVE THEM LOOK AT TABLE 3, SPECIFICALLY ITEM E UNDER THE NOTES TO TABLE 3 THAT REFERENCES A COLUMN HEADING THAT DOESN'T SEEM TO APPEAR ON TABLE 3.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (motion to refer as amended) YES. ZAK, HOWARD, HOGAN, LEWIS, ROBERTS, WYTHE

Motion carried.

- C. **Ordinance 12-02(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$114,288 from the Sewer Reserve Account for the Polymer Equipment Replacement Project. City Manager/Public Works Director. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-003 from Public Works Director as backup.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-02(A) by reading of title only for second and final reading.

WYTHE/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 12-03**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$60,000 from the General Fund Reserves to the Seawall Maintenance Reserve for the Purpose of Repairing and Maintaining the Wall. City Manager. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Mayor Hornaday opened the public hearing.

Donna Rae Faulkner, city resident, expressed opposition and hopes to have their own COE permit on their own land. The 30 mill rate is the maximum state cap, which will not cover the \$60,000 considering senior exemptions.

Paul Hueper, city resident, supports the ordinance and requested an emergency plan be put in place to make repairs before they multiply into thousands of dollars. He supports the repair work East Road Services has done on the Seawall.

Don McNamara, city resident, expressed surprise for Council's support of the Special Service District (Ordinance 11-49(S)). The Seawall has been in a state of disrepair the last 9 years and at 4 mills per lot will gain \$40,000 to pay the taxpayers back.

Marilyn Hueper, city resident, commented the Seawall was to be maintenance free for 50 years when purchased. There were blowouts before completion, with no maintenance mechanism in place. She asked for a process to address a maintenance plan to address repairs quickly and inexpensively.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-03 by reading of title only for second and final reading.

WYTHE/LEWIS – SO MOVED.

VOTE: YES. WYTHE, HOWARD, LEWIS, ROBERTS

VOTE: NO. ZAK, HOGAN

Motion carried.

Mayor Hornaday called for a recess at 7:32 p.m. and reconvened the meeting at 7:35 p.m.

- E. **Ordinance 12-04**, An Ordinance of the City Council of Homer, Alaska, Amending the Deep Water Dock Security Gates and Video Surveillance Equipment Project Budget by Appropriating an Additional \$9,623.41 from the Port and Harbor Reserves for the Purpose of Addressing Unanticipated Conditions Encountered During Construction. City Manager/Port and Harbor Director. Introduction January 9, 2012, Public Hearing and Second Reading January 23, 2012.

Memorandum 12-004 from Port and Harbor Director as backup.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-04 by reading of title only for second and final reading.

WYTHER/ROBERTS – SO MOVED.

Councilmember Hogan feels somebody else should pay for the mistake.

VOTE: YES. ROBERTS, WYTHER, ZAK, HOWARD, LEWIS

VOTE: NO. HOGAN

Motion carried.

ORDINANCE(S)

- A. **Ordinance 12-05**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex. City Manager. Recommended dates: Introduction January 23, 2012, Public Hearing and Second Reading February 13, 2012.

Memorandum 12-012 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-05 for introduction and first reading by reading of title only.

HOWARD/WYTHER – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

South Peninsula Gas Line and Distribution System Update

This Manager's Report is devoted entirely to the proposed natural gas transmission line and the gas distribution system within the Homer city limits. I think this is appropriate because there is a lot happening on this front right now and it would be good for the Council to be engaged and proactive. There are very specific steps the Council can take in the next few months that can greatly assist in making this project a reality.

The Transmission Line

This past summer, the Governor vetoed capital funding which would have financed construction of an 8 inch gas transmission line from Anchor Point through Homer to Kachemak City. In his veto message, and in subsequent interviews, the Governor indicated that he wanted local consumers to participate in financing the line. In other words, he wanted to see some "skin in the game". Although, we still believe there are numerous valid arguments against this position, the City lobbyist and many key legislators believe this is something that must be addressed if we want the Governor's support.

Since the Governor's veto, Representative Seaton has been working with Enstar and the RCA on a possible tariff increase that would enable local consumers to pay for some of the cost of constructing the transmission line. It would be a local match of sorts. The current idea on the table is that local consumers would pay an additional \$1.00 per mcf above the "postage stamp" rate for gas (what everyone else in the Enstar service area pays) for 10 years. This would raise about \$2.5 Million. The extra dollar in the tariff would be extinguished after 10 years or sooner if the target of \$2.5 Million is reached. Enstar would provide the \$2.5 Million upfront and would be repaid through the tariff increase. Instead of asking the state for 10.5 Million, the request would now be in the neighborhood of \$ 8 Million.

This idea seems to be gaining traction and support. Enstar has agreed in concept. Key legislators who are in positions of power and have the ear of the Governor appear to be lining up in favor. A meeting with key legislators, the Governor, and Enstar is expected to take place in the next month/ In short, this could be a key tipping point in making this project a reality.

It would be beneficial if the City Council took a position on this idea. I think a constructive role for the City would be to disseminate information to the public and make sure local residents understand this proposal and what it would mean for them in terms of cost and payback period. My understanding is that even with this additional cost on the gas bill, the consumer would still save over 50% on heating costs at current prices. Note: I am talking here about just the cost of gas. This does not include the costs associated with getting the gas to your house or making necessary conversions. We hope to have some updated spreadsheets addressing this type of information at the meeting. We also plan to provide a list of anticipated distribution line and conversions costs.

The Distribution System

Local consumers will pay for the cost of building the distribution system within the Homer City limits under any scenario. The big question is whether the City will stimulate and quicken the pace of construction of the distribution system and make it easier for its residents to hook up by providing financing with attractive terms. I have requested projected construction costs and a build-out plan from Enstar so that the Council could fully evaluate its options. Last week we received a proposed build-out plan for the “core area” and a first shot at estimated costs. There were good reasons for starting with the core area but however, there are also good arguments for doing the entire town at once. We think that the build-out plan could be revised in certain areas and that the costs can be lowered. We will be working with Enstar and the City Planning and PW departments on that this week. We plan to have the build-out map available at the meeting. The core area contains 37 miles of road and an estimated cost of about \$6 Million.

I believe that the local economy and cost of living would benefit substantially if the City providing financing for the distribution system. There are arguments on either side of this but I think the proper timing for this discussion is now. The Borough and Kachemak City are already positioned to provide financing. City participation is important because it may have a bearing on whether this project moves ahead. I am aware that City participation is anticipated and assumed by Legislators, the Governor, and Enstar. But, it is the City’s finances, fund balances, and credit rating that we must also take into consideration. Key factors to be considered include:

- The costs/and benefits to the economy and local business and residents
- The type of financing mechanism (LID, Special Service Area), etc.
- The lending institution (Commercial Bank, AIDEA, Bonds, etc).
- The overall fiscal health of the city and its capacity to take on debt.
- Is a public vote required or desirable

Financing Mechanisms

I believe the two most logical approaches would be an LID or a Special Service Area. One uses property taxes to repay the debt, the other uses special assessments on benefitted properties, similar to what the City already does with water and sewer LIDs. There are very definite advantages and disadvantages to each which we can discuss in more detail. I am currently looking at the options and will be prepared to make a recommendation very soon. If Council decides to move ahead, key considerations will be:

1. The scope of the LID or SSD
2. Whether the LID or SSD is Council initiated or initiated by the benefitted property owners.
3. Whether a vote is needed or desirable.

Next Steps:

- A workshop, probably several or one that lasts more than an hour
- Decision on whether to provide financing. Supporting resolutions, ordinances, etc.
- Revise Utility Code
- Revise LID Code

City Manager Wrede reported there are two emergency expenditures that he will come back with ordinances. The steamer is a very important piece of equipment for Public Works and it has melted down. It is needed this time of year to steam fire hydrants to keep them operational and keep the culverts from clogging up. He has authorized Public Works to get bids and move ahead. It is about a \$30,000 piece of equipment that may need to be purchased new.

The M/V Kennicott hit a docking dolphin at the Pioneer Dock and ripped the fenders off. It is a safety issue that cannot be ignored. We have authorized the engineers to look at it and provide a cost for the repair. We will have to come up with money up front, but will be reimbursed by the State. The ferry can still dock, but must be very careful about how they do it.

At the Committee of the Whole meeting Council discussed the gas line with Charlie Pierce of Enstar. Council reviewed a written report that explained the current discussion of a \$1 per Mcf change in the tariff. It would mean that Homer residents would pay \$1 more per Mcf to help pay off capital costs of large transmission lines. The idea is gaining steam. One of the benefits to the tariff increase is in the two prior vetoes of the gas line, Governor Parnell said he wanted to see a contribution from local consumers. Information was passed out that showed the savings if you paid an extra \$1 per Mcf. The extra tariff would go away after 10 years. It would raise \$2.5M, meaning the City would have to request \$8.5M for the gas line project. Enstar would upfront the money and be paid through the tariff over a 10-year period. There was discussion about the next steps for Council if they wanted to finance the build-out within the core area of downtown

Homer. Council indicated they would like him to instruct the City Attorney to draft two ordinances. One would govern where gas lines would go in the right-of-way, how they would be constructed, inspected, and fees. The other ordinance would set up a LID (Local Improvement District) for the gas utility in the downtown core area. We will schedule workshops as soon as we can and then convey the information to the public.

Mayor Hornaday called attention to the Homer Tribune article where the Anchor River Inn has realized a 75% savings with natural gas. For Homer it will be a substantial savings, even with the extra tariff. We will still have to pay for distribution lines and hookups and pay for our own modifications to convert to gas appliances. Council feels citizens want it so are pursuing it under the capital projects for the Legislature this year. About \$525,000 was funneled through the City of Homer for the Anchor Point gas line that provided two PRV (Pressure Reduction Valve) stations to serve both Anchor Point and Homer and built 3,250 ft. gas line to reach Chapman School.

Councilmember Wythe commented when this was last discussed with Enstar they do not have ownership of gas contracts to provide services beyond 2013. She asked if we pursue the gas line will Enstar provide assurance they can supply natural gas after money is invested in the gas line. City Manager Wrede advised that Council should invite Enstar to Homer and put the question before them. Enstar has signed new contracts recently. The storage facility near Kenai is close to ready to fill. There is more talk about bullet lines and successful drilling in Cook Inlet.

Councilmember Wythe noted previously she has recused herself from discussion on the gas line and asked if she needed to continue to do so. Mayor Hornaday asked that it be referred to the City Attorney to determine if there was a conflict.

B. Games Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee

E. Port and Harbor Improvement Committee

F. Employee Committee Report

PENDING BUSINESS

NEW BUSINESS

A. **Memorandum 12-015**, From City Clerk, Re: Travel Authorization for Mayor Hornaday and Councilmember Zak's Attendance at Alaska Municipal League Winter Legislative Conference in Juneau, Alaska, February 7 - 9, 2012.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 12-015.

WYTHE/LEWIS – SO MOVED.

While in Juneau the Mayor will attend the Mayor's Conference and appointments are being made for meetings with Legislators, the Governor, and other administrative staff. They plan meetings with Senator Tom Wagoner, Governor Parnell, the Budget Director, the Department of Transportation, DEC, and the list will expand when they get there.

Councilmember Lewis requested they ask Fish and Game about helping with the dredging of the Fishing Hole.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

A. **Resolution 12-008**, A Resolution of the City Council of Homer, Alaska, Approving a Cooperative Agreement Between the Alaska Department of Fish and Game, Division of Sport Fish, and the City of Homer, Regarding Repair, Replacement, and Rehabilitation of Infrastructure and Facilities at the Homer Load and Launch Ramp. City Manager/Port and Harbor Director.

Mayor Hornaday called for a motion for the adoption of Resolution 12-008 by reading of title only.

LEWIS/HOWARD – SO MOVED.

HOWARD/HOGAN – MOVED TO POSTPONE TO FEBRUARY 13.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 12-009**, A Resolution of the City Council Revising Certain Portions of the Homer Public Library Policy Manual. City Manager/Library Advisory Board.

Memorandum 12-016 from Library Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-009 by reading of title only.

WYTHE/ROBERTS – SO MOVED.

Questions on the term “library service area”, the amount spent on books per patron, and internet service provider were answered by Library Director Dixon. The term library service area is used to cover the area that the library serves. The language is on the public library assistance grant. It is a descriptor with no legal connotation. The amount spent on books per person is determined by the populous within the service area. The selection of an internet service provider was made before Ms. Dixon’s employment, thus she is not familiar with the process.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 12-010**, A Resolution of the City Council of Homer, Alaska, Awarding the Design Contract for the Deep Water Dock Fender Replacement Project to the Firm of R&M Consultants, Inc. of Anchorage, Alaska, in the Amount of \$202,500 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 12-017 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-010 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 12-011**, A Resolution of the City Council of Homer, Alaska, Appointing Council Member Bryan Zak as the City's Representative for the Business Leaders for Economic Development Task Force. Mayor.

Mayor Hornaday called for a motion for the adoption of Resolution 12-011 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Councilmember Zak voiced his willingness to step down as the City's representative once Katie Koester, Community and Economic Development Coordinator, is ready to assume the position.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Donna Rae Faulkner, city resident, reiterated they want out of the Ocean Drive Loop Special Service District and the Army Corps of Engineers permit transferred to them. Reference to a letter from Attorney Tracey Tillion and a COE pamphlet provided to the City were referenced.

Don McNamara, city resident, asked for an explanation of the estimates for repairs to the Seawall. He asked that the Mayor check with Senator Begich to see about using the Seawall as a coastal trail.

City Manager Wrede commented the repair estimates are not available since it is not a formal bid.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented on information heard about the Seawall. Council has been advised not to make a lot of public comment about it. Nobody wants to pay for anything; even City Council believes others should pay. There is only one source of government funding and that is the citizens that contribute to maintenance of the government. Whatever we want to buy, we are talking about community dollars paying for things. Council tries to keep the balance in mind, making the best fiscal responsible decisions for the entire community. The City is a business and has a certain number of dollars they can invest. Sometimes it is very hard. She felt sad Donna Rae Faulkner commented she feels like she can't trust us. It is not that Council is not trustworthy, they are doing the best with the information they have.

Councilmember Hogan commented last week we celebrated Martin Luther King's birthday. He had an email in his council inbox that was very bigoted and prejudiced. We have a long way to go to meet the dream.

Councilmember Roberts came to City Hall on Saturday and noticed many city employees working to rearrange furniture and complete the move. She was impressed they were here on the weekend so they could conduct work on Monday morning. With the IT Department's efforts they had everything up and running, seamless. She especially thanked the IT department. As to sandwich boards, there was a lot of testimony tonight by people who care strongly. About two years ago Council had a joint meeting with the Planning Commission to discuss sandwich boards. Council sent a message to the Planning Commission that sandwich boards can be somewhat unsafe. They did come back with some of Council's suggestions. She would appreciate hearing their suggestions. As to the gas line she appreciates the information coming forward. She feels that now is the time to get to work as the legislative session is just beginning. We need to indicate we are on board and be proactive, and not sit here as we did last year.

Councilmember Zak appreciates Beth's comments on the Seawall. Council must be careful as to what they say. It has been going on for a number of years. He votes against things for the societal

responsibility to the community and members along the Seawall. He wrote a response to John Szajkowski on the Seawall. It has been a number of years, with a number of councils thinking out processes. As to future repairs we may put another \$25,000 as an emergency fund to add to the \$60,000. We are waiting on a letter from the Army Corps of Engineers. We should emphasize getting that letter back. He would have voted differently tonight had we had answers to the letter from the COE, as he is not so sure the city does not have a responsibility. People came out and said how tough it is to have businesses here in the winter. It is wonderful to see and hear from them, many of them from the Chamber of Commerce. For the gas line now is the time for business owners and residential owners to write letters. Our city behind it will be a huge savings for all of us. It will improve the ability to do business. He thanked Council for sending him to Juneau with the Mayor. The networking makes a big difference and there is opportunity to learn from other communities and use it here.

Councilmembers Lewis and Howard had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:07 p.m. The next Regular Meeting is Monday, February 13, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the City Clerk

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

MEMORANDUM 12-018

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: FEBRUARY 7, 2012

SUBJECT: Liquor License Renewal for Kharacters, AJ's Oldtown Steakhouse & Tavern, Grog Shop East End, Happy Face, Homer Brewing Company, Inc., and Frosty Bear Ice Cream Parlor & Crabbies Seafood

We have been notified by the ABC Board of liquor license renewals within the City of Homer for the following:

Type: Beverage Dispensary
Lic #: 1085
DBA Name: Kharacters
Premise Address: 197 E Pioneer Ave.
Owner: L & S Inc
Mailing Address: 3851 Shelford, Homer 99603

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnell Avenue
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave, Homer 99603

Type: Package Store
Lic #: 2301
DBA Name: Grog Shop East End
Premise Address: 3125 East End Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave., Homer 99603

Type: Restaurant/Eating Place - Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer 99603

“WHERE THE LAND ENDS AND THE SEA BEGINS”

To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

Type: Brewery
Lic #: 4136
DBA Name: Homer Brewing Company Inc
Premise Address: 1411 Lake Shore Drive
Owner: Homer Brewing Company Inc
Mailing Address: 1411 Lake Shore Drive, Homer 99603

Type: Restaurant/Eating Place - Public Convenience
Lic #: 4437
DBA Name: Frosty Bear Ice Cream Parlor & Crabbies Seafood
Premise Address: 639 E Pioneer Ave.
Owner: Willie "D" and Me Inc.
Mailing Address: 639 E Pioneer Ave., Homer 99603

RECOMMENDATION: Voice non objection and approval for the liquor license renewals as listed above.

Fiscal Note: Revenues.



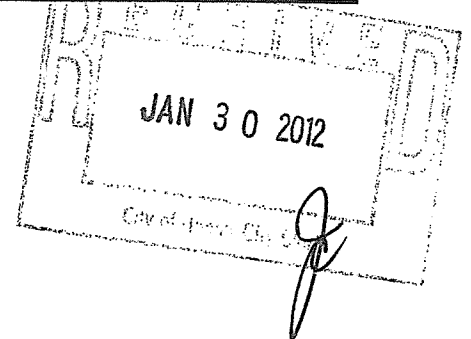
CITY OF HOMER POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: January 27, 2012
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *MR*
SUBJECT: Liquor License Renewals



The Homer Police Department has no objection to the liquor license renewals for the following businesses:

Type: Beverage Dispensary
Lic #: 1085
DBA Name: Kharacters
Premise Address: 197 E Pioneer Ave.
Owner: L & S Inc
Mailing Address: 3851 Shelford, Homer 99603

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnell Avenue
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave, Homer 99603

Type: Package Store
Lic #: 2301
DBA Name: Grog Shop East End
Premise Address: 3125 East End Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave., Homer 99603

Type: Restaurant/Eating Place- Public Convenience
Lic #: 3650
DBA Name: Starvin' Marvin's
Premise Address: 1663 #7 Spit Road
Owner: Starvin Marvin's Inc
Mailing Address: 1663 #7 Spit Road, Homer 99603

Type: Restaurant/Eating Place- Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer 99603

Type: Restaurant/Eating Place- Public Convenience
Lic #: 4437
DBA Name: Frosty Bear Ice Cream Parlor & Crabbies Seafood
Premise Address: 639 E Pioneer Ave
Owner: Willie "D" and Me Inc
Mailing Address: 639 E Pioneer Ave., Homer 99603

Type: Brewery
Lic #: 4136
DBA Name: Homer Brewing Company Inc
Premise Address: 1411 Lake Shore Drive
Owner: Homer Brewing Company Inc
Mailing Address: 1411 Lake Shore Drive, Homer 99603



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

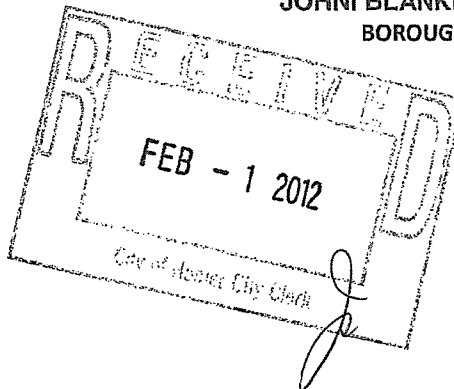
Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 31, 2012

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



RE: Non-Objection of License Renewal

| | | |
|------------------|---|---------------------|
| Business Name | : | Kharacters |
| License Type | : | Beverage Dispensary |
| License Location | : | City of Homer |
| License No. | : | 1085 |

Dear Ms. Lambert,

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 do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

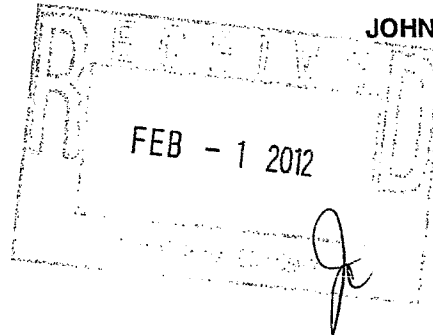
PHONE: (907) 714-2160 • FAX: (907) 714-2388

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

Email: assemblyclerk@borough.kenai.ak.us

January 31, 2012

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



JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

RE: Non-Objection of License Renewal

| | | |
|------------------|---|----------------------------------|
| Business Name | : | AJ's Oldtown Steakhouse & Tavern |
| License Type | : | Beverage Dispensary |
| License Location | : | City of Homer |
| License No. | : | 1252 |

Dear Ms. Lambert,

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 do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



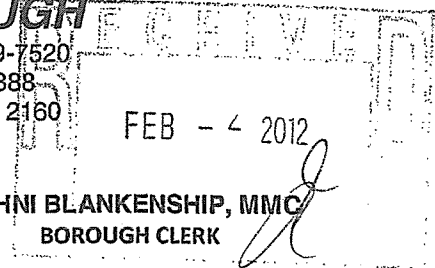
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2388

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

Email: assemblyclerk@borough.kenai.ak.us



JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

February 2, 2012

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

RE: Non-Objection of License Renewal

| | | |
|------------------|---|--------------------|
| Business Name | : | Grog Shop East End |
| License Type | : | Package Store |
| License Location | : | City of Homer |
| License No. | : | 2301 |

Dear Ms. Lambert,

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 do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



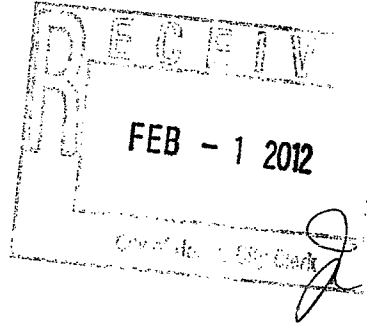
KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2160 • FAX: (907) 714-2388
Toll-free within the Borough: 1-800-478-4441 Ext. 2160
Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 31, 2012

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



RE: Non-Objection of License Renewal

| | | |
|------------------|---|--|
| Business Name | : | Happy Face |
| License Type | : | Restaurant/Eating Place – Public Convenience |
| License Location | : | City of Homer |
| License No. | : | 3666 |

Dear Ms. Lambert,

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 do not hesitate to contact our office.

Sincerely,

John Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



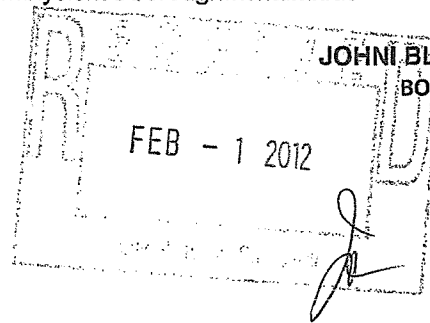
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JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 31, 2012

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

RE: Non-Objection of License Renewal

| | | |
|------------------|---|---|
| Business Name | : | Frosty Bear Ice Cream Parlor & Crabbies Seafood |
| License Type | : | Restaurant/Eating Place – Public Convenience |
| License Location | : | City of Homer |
| License No. | : | 4437 |

Dear Ms. Lambert,

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 do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

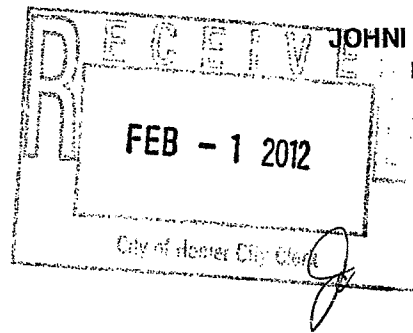
PHONE: (907) 714-2160 • FAX: (907) 714-2388

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January 31, 2012

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



JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

RE: Non-Objection of License Renewal

| | | |
|------------------|---|-----------------------|
| Business Name | : | Homer Brewing Company |
| License Type | : | Brewery |
| License Location | : | City of Homer |
| License No. | : | 4136 |

Dear Ms. Lambert,

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 do not hesitate to contact our office.

Sincerely,

John Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File

Office of the City Clerk

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

MEMORANDUM

DATE: January 27, 2012
 TO: Mark Robl, Police Chief
 FROM: Melissa Jacobsen, CMC, Deputy City Clerk
 SUBJECT: Liquor License Renewal for Kharacters, AJ's Oldtown Steakhouse & Tavern, Grog Shop East End, Starvin Marvin's, Happy Face, Homer Brewing Company, Inc., and Frosty Bear Ice Cream Parlor & Crabbies Seafood

We have been notified by the ABC Board of liquor license renewals within the City of Homer for the following:

Type: Beverage Dispensary
 Lic #: 1085
 DBA Name: Kharacters
 Premise Address: 197 E Pioneer Ave.
 Owner: L & S Inc
 Mailing Address: 3851 Shelford, Homer 99603

Type: Beverage Dispensary
 Lic #: 1252
 DBA Name: AJ's Oldtown Steakhouse & Tavern
 Premise Address: 120 W Bunnell Avenue
 Owner: APS Investments LLC
 Mailing Address: 135 W Bunnell Ave, Homer 99603

Type: Package Store
 Lic #: 2301
 DBA Name: Grog Shop East End
 Premise Address: 3125 East End Road
 Owner: MSA Inc
 Mailing Address: 369 E Pioneer Ave., Homer 99603

Type: Restaurant/Eating Place - Public Convenience
 Lic #: 3650
 DBA Name: Starvin' Marvin's
 Premise Address: 1663 #7 Spit Road
 Owner: Starvin Marvin's Inc
 Mailing Address: 1663 #7 Spit Road, Homer 99603

Type: Restaurant/Eating Place - Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer 99603

Type: Brewery
Lic #: 4136
DBA Name: Homer Brewing Company Inc
Premise Address: 1411 Lake Shore Drive
Owner: Homer Brewing Company Inc
Mailing Address: 1411 Lake Shore Drive, Homer 99603

Type: Restaurant/Eating Place - Public Convenience
Lic #: 4437
DBA Name: Frosty Bear Ice Cream Parlor & Crabbies Seafood
Premise Address: 639 E Pioneer Ave.
Owner: Willie "D" and Me Inc.
Mailing Address: 639 E Pioneer Ave., Homer 99603

This matter is scheduled for the February 13, 2012 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Wednesday, February 8, 2012.**

Thank you for your assistance.



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

January 18, 2012

RE: Liquor License Renewal Notice

Attn: Homer City Clerk Seldovia City Clerk
Kachemak City Clerk Seward City Clerk
Kenai City Clerk Soldotna City Clerk
Kenai Peninsula Borough Clerk

HOMER

Type: Beverage Dispensary
Lic #: 1085
DBA Name: Kharacters
Premise Address: 197 E Pioneer Ave.
Owner: L & S Inc
Mailing Address: 3851 Shelford, Homer 99603

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnel Avenue
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave, Homer 99603

Type: Package Store
Lic #: 2301
DBA Name: Grog Shop East End
Premise Address: 3125 East End Road
Owner: MSA Inc
Mailing Address: 369 E Pioneer Ave., Homer 99603

Type: Restaurant/Eating Place – Public Convenience
Lic #: 3650
DBA Name: Starvin' Marvin's
Premise Address: 1663 #7 Spit Road
Owner: Starvin Marvin's Inc
Mailing Address: 1663 #7 Spit Road, Homer 99603

Type: Restaurant/Eating Place – Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer 99603

Type: Brewery
Lic #: 4136
DBA Name: Homer Brewing Company Inc
Premise Address: 1411 Lake Shore Drive
Owner: Homer Brewing Company Inc
Mailing Address: 1411 Lake Shore Drive, Homer 99603

Type: Restaurant/Eating Place – Public Convenience
Lic #: 4437
DBA Name: Frosty Bear Ice Cream Parlor & Crabbies Seafood
Premise Address: 639 E Pioneer Ave.
Owner: Willie “D” and Me Inc.
Mailing Address: 639 E Pioneer Ave., Homer 99603

KACHEMAK

Type: Beverage Dispensary - Duplicate
Lic #: 4813
DBA Name: Wasabi’s Fusion
Premise Address: 59217 East End Road
Owner: Flying Fish LLC
Mailing Address: 59217 East End Road, Homer 99603

KENAI

Type: Beverage Dispensary
Lic #: 204
DBA Name: George’s Casino Bar
Premise Address: 505 Main Street
Owner: G & P Inc
Mailing Address: PO Box 2917, Kenai 99611

Type: Club
Lic #: 337
DBA Name: Frat. Order of Eagles #3525
Premise Address: 5765 Spur Hwy.
Owner: Frat. Order of Eagles #3525
Mailing Address: 5765 Spur Hwy., Kenai 99611

Type: Beverage Dispensary
Lic #: 102
DBA Name: Don Jose's Soldotna
Premise Address: 44109 Sterling Hwy., Ste. B
Owner: Ernesto Sanchez
Mailing Address: 44109 Sterling Hwy., Ste. B, Soldotna 99669

Type: Beverage Dispensary
Lic #: 708
DBA Name: Maverick Saloon
Premise Address: 44698 Sterling Hwy.
Owner: Cynthia Lee Day
Mailing Address: 44698 Sterling Hwy., Soldotna 99669

Type: Beverage Dispensary - Tourism
Lic #: 3134
DBA Name: Hooligans Lodging & Saloon
Premise Address: 44715 Sterling Hwy.
Owner: Hooligans Lodging & Saloon Inc.
Mailing Address: 44715 Sterling Hwy., Soldotna 99669

Type: Brewery
Lic #: 4546
DBA Name: Kenai River Brewing Co
Premise Address: 241 N Aspen Street, Ste #100
Owner: Kenai River Brewing Company
Mailing Address: 241 N Aspen Street, Ste #100, Soldotna 99669

We have received application(s) for renewal of liquor license(s) listed licensees within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance have been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director

/s/ Christine C. Lambert
Christine C. Lambert
Licensing & Records Supervisor
269-0359
Christine.lambert@alaska.gov

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

**CITY OF HOMER
HOMER, ALASKA**

**MAYOR'S PROCLAMATION
BROTHER ASAIAH BATES DAY**

February 14, 2012

WHEREAS, Asaiah Bates served on the Homer City Council from January 8, 1973 to December 8, 1975; and

WHEREAS, He took up the cause of many who were unable to do so or who lacked the knowledge or were shy of the processes and procedures thereof; and

WHEREAS, He demonstrated time and again his selflessness and concern for others through contributions, volunteerism and monetary donations and moral support to the community and community members; and

WHEREAS, He was dedicated to assisting, developing and supporting children's programs and scholarships; and

WHEREAS, His faithful presence at Council meetings and well received input were a continual refreshment to the Council; and

WHEREAS, Because of his deep love for everyone and everything, Mayor Jack Cushing proclaimed February 14, 2000 as Asaiah Bates Day and encouraged everyone to recognize February 14th not only as Valentine's Day, but as Asaiah Bates Day.

NOW, THEREFORE, I, James C. Hornaday, Mayor do hereby proclaim the day of February 14, 2012 as:

BROTHER ASAIAH BATES DAY

in the City of Homer, Alaska and encourage all Citizens to take time to remember this great Icon of Homer.

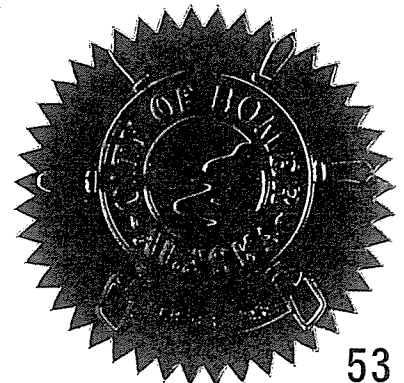
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 13th day of February, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK



PUBLIC HEARING(S)

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinance 12-05 & Crittenden Drive

A **public hearing** is scheduled for **Monday, February 13, 2012** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Crittenden Drive Reconstruction and Paving Improvement District

Ordinance 12-05 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 12-05, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex. City Manager.



All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, CMC, City Clerk

A handwritten signature in black ink, appearing to read "Jo Johnson".

Publish: Homer Tribune: February 8, 2012

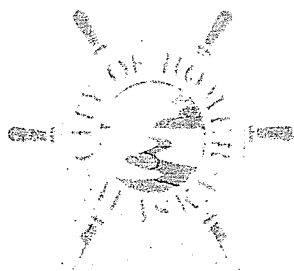
CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Crittenden Drive Reconstruction and Paving Improvement District and Ordinance 12-05, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18) in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office, and Redden Marine Supply of Homer, on January 26, 2011 and that the City Clerk posted same on City of Homer Homepage on January 26, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 2nd day of February, 2012.



Renee Krause, CMC, Deputy City Clerk I



Office of the City Clerk

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

January 27, 2012

*RE: RESCHEDULING OF THE PUBLIC HEARING
REGARDING THE
CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/
ASSESSMENT DISTRICT*

Dear Property Owner(s):

On November 28, 2011 the Homer City Council declared via Resolution 11-108 their intent to create the Crittenden Drive Road Reconstruction and Paving Local Improvement District (LID).

Property owners were advised that a public hearing would be held on January 23, 2012, however because of a scheduling error the public hearing is rescheduled to **MONDAY, FEBRUARY 13, 2012** during the regular City Council meeting that begins at 6:00 p.m. The meeting will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. If you have a concern or objection about the district boundaries, assessment, or any other part of the improvement, the public hearing is the time to voice your concerns to the Council.

Objections to the formation of this district **must be entered in written form and filed at the Office of the City Clerk between January 23, 2012 and March 23, 2012.** Non responses during the sixty day objection period shall be deemed to be non-objections. A Property Owner's Statement of Objection or Non-objection is enclosed for your convenience in expressing your objection or non-objection. ***Please take note, if you have an objection, you must file this in written form with the City Clerk.*** The Office of the City Clerk is located on the lower level of City Hall at 491 E. Pioneer Avenue, Homer, Alaska.

If you have any questions concerning the enclosed information or the contents of this letter, please call the City Clerk's office at 235-3130.

Sincerely,

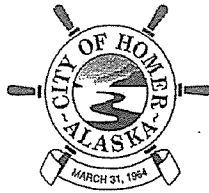
CITY OF HOMER

Melissa Jacobsen, CMC, Deputy City Clerk

PLEASE NOTE: OBJECTIONS MUST BE IN WRITTEN FORM AND FILED AT THE OFFICE OF THE CITY CLERK BETWEEN JANUARY 23, 2012 AND MARCH 23, 2012.

Office of the City Clerk

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

January 4, 2012

*RE: CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/
ASSESSMENT DISTRICT*

Dear Property Owner(s):

On November 28, 2011 the Homer City Council declared via Resolution 11-108 their intent to create the Crittenden Drive Road Reconstruction and Paving Local Improvement District (LID).

The public hearing date has been scheduled for Monday, January 23, 2012 during the regular City Council meeting that begins at 6:00 p.m. The meeting will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. If you have a concern or objection about the district boundaries, assessment, or any other part of the improvement, the public hearing is the time to voice your concerns to the Council.

Objections to the formation of this district **must be entered in written form and filed at the Office of the City Clerk between January 23, 2012 and March 23, 2012.** Non responses during the sixty day objection period shall be deemed to be non-objections. A Property Owner's Statement of Objection or Non-objection is enclosed for your convenience in expressing your objection or non-objection. ***Please take note, if you have an objection, you must file this in written form with the City Clerk.*** The Office of the City Clerk is located on the lower level of City Hall at 491 E. Pioneer Avenue, Homer, Alaska.

Included is a Preliminary Assessment Roll that includes your name, borough parcel number, current assessed property value from Borough records, and the estimated amount of each assessment. Please notify the City Clerk if you find any errors or discrepancies on the roll. You will also find the Public Hearing Notice that is scheduled for advertisement in the Homer Tribune as required by city code. Additionally, a map outlining the LID is included.

This is a Homer Accelerated Roads and Trails Project and the property owner assessments are based on \$30 per road frontage foot for road reconstruction and \$17 per road frontage foot for paving. The assessment is payable over a period of ten years, with an annual payment plan. Interest on this assessment district was not available at the time of this notice, however on the most recent projects it was 8.23%. Nothing will be assessed until the project is complete, and the City of Homer Public Works has accepted the project, and the property owners have been given another opportunity to comment regarding any errors or inequalities resulting from the project.

Please take the time to review the enclosed materials carefully and come to the public hearing on January 23, 2012. At that meeting you may express your concerns and

"WHERE THE LAND ENDS AND THE SEA BEGINS"

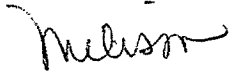
To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

comments of the formation of this district to the Council. If your schedule does not permit your attendance, you may send written correspondence for Council to consider.

If you have any questions concerning the enclosed information or the contents of this letter, please call me at 235-3130.

Sincerely,

CITY OF HOMER



Melissa Jacobsen, CMC, Deputy City Clerk

Enclosures: Notice of Public Hearing
Notice of Right to Object
Preliminary Assessment Roll
Parcel Map
Property Owner's Statement of Objection or Non Objection.
Resolution 11-108

PLEASE NOTE: OBJECTIONS MUST BE IN WRITTEN FORM AND FILED AT THE OFFICE OF THE CITY CLERK BETWEEN JANUARY 23, 2012 AND MAY 23, 2012.

"WHERE THE LAND ENDS AND THE SEA BEGINS"

To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

CITY OF HOMER

**PUBLIC HEARING NOTICE
CRITTENDEN DRIVE RECONSTRUCTION AND PAVING
IMPROVEMENT/ASSESSMENT DISTRICT**

A public hearing is scheduled for Monday, January 23, 2012 during a Regular City Council meeting beginning at 6:00 p.m. The meeting will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

The Homer City Council has declared via Resolution 11-108, adopted November 28, 2011, their intent to create the Crittenden Drive Reconstruction and Paving Improvement/Assessment District.

CRITTENDEN DRIVE RECONSTRUCTION AND PAVING

| <u>NAME:</u> | <u>LEGAL & PARCEL NO.</u> | <u>ASSESSED AMT.</u> |
|--|---|--------------------------|
| CLAYTON AND JOAN ELLINGTON PO BOX 833 HOMER, AK 99603 | WEBBER SUB LOT 8-A1 175-183-24 | \$6471.90 |
| HOMER HOTELS LLC 575 STERLING HWY HOMER, AK 99603 | WEBBER SUB. NO. 7 LOT 10-A 175-183-10 | \$7551.02 |
| KYOKO HASEO C/O PO BOX 1972 SOLDOTNA, AK 99669 | WEBBER SUB. LOT 9 BLOCK 2 175-182-09 | \$7085.72 |
| VIRGINIA M. HARRIS 3945 BALCHEN DR. ANCHORAGE, AK 99517 | WEBBER SUB. LOT 10 BLOCK 2 175-182-10 | \$7085.72 |
| MICHAEL J. WARBURTON 3500 CRITTENDEN RD. HOMER, AK 99603 | WEBBER SUB. NO. 6 LOT 2 175-184-05 | \$18,231.30 |
| | WEBBER SUB. NO. 8 TRACT 1-A 175-184-07 | \$7285.00 |
| | WEBBER SUB. NO. 6 LOT 3 175-184-06 | \$7520.00 |

OBJECTIONS

The sixty day objection period is from January 23, 2012 to March 23, 2012. Objections to the formation of this district must be in written form and filed at the Office of the City Clerk before March 23, 2012. Non responses during the sixty day objection period shall be deemed to be non-objections.

Dated this 22nd day of December 2011

Melissa Jacobsen, CMC, Deputy City Clerk
CITY OF HOMER

Acct. No. 160-766-5227

Publish: Homer Tribune: December 28, 2011, January 4, 11, and 18, 2012

CITY OF HOMER
NOTICE OF RIGHT TO OBJECT
LOCAL IMPROVEMENT/ASSESSMENT DISTRICT

LOCAL IMPROVEMENT/ASSESSMENT DISTRICT:

CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT DISTRICT. affecting the property described on Public Hearing Notice and Preliminary Assessment Roll.

On November 28, 2011 the Homer City Council adopted Resolution 11-108 declaring their intent to create the Crittenden Drive Road Reconstruction and Paving Improvement/Assessment District. If the assessment district is approved and project construction is approved, the cost of the improvements will be assessed against and become a lien on the property benefited by the improvements.

PUBLIC HEARING:

A public hearing on the assessment, necessity of the improvements, and on the proposed improvement plan is scheduled before the Homer City Council at **6:00 p.m.** on **January 23, 2012** in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Any person may testify at the public hearing.

NOTICE OF RIGHT TO OBJECT:

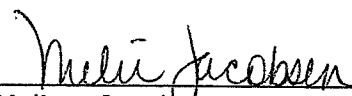
The owner of property to be assessed may file a written objection to the plan no later than sixty days after the public hearing scheduled above. **Non responses during the sixty day objection period shall be deemed to be non-objections.**

If objections are made in writing during the period set forth for objections by owners of property who shall bear fifty percent or more of the total estimated cost of the improvement, the Council may not proceed with the improvement unless the plan is revised to meet the objections and the objections are reduced to less than fifty percent. The Council may then pass a resolution approving the revised plan, which shall now become an original plan, and proceed with the improvement. If a change is made by Council in an improvement district boundary, such change shall be made promptly by the City Clerk after any amendment thereof has been passed. Property owner(s) affected by the change will be notified promptly by the City Clerk in writing.

OBJECTIONS MUST BE IN WRITTEN FORM AND FILED AT THE OFFICE OF THE CITY CLERK BETWEEN JANUARY 23, 2012 and MARCH 23, 2012.

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603
Phone: 907-235-3130; Fax: 907-235-3143
Email: clerk@ci.homer.ak.us

Dated this 4th day of January, 2012


Melissa Jacobsen, CMC, Deputy City Clerk

PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT DISTRICT

Total Estimated Project Cost: \$492,390

Abutting Property Owners Assessed \$30 per front foot for gravel and \$17 per front foot for paving: \$61,230.66

Homer Accelerated Roads and Trails Program (HART) Share: \$431,159.34

| OWNER/ADDRESS | LEGAL DESCRIPTION PARCEL NO. | FRONT FOOTAGE | ASSESSED PROPERTY VALUE | APPROXIMATE ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT |
|--|--|-------------------------------|---|---|
| Clayton & Joan Ellington PO Box 833 Homer, AK 99603 | Lot 8-A1, Webber Subdivision 175-183-24 | 137.7 | \$409,800 | \$6,471.90 |
| Homer Hotels LLC 575 Sterling Hwy Homer, AK 99603 | Lot 10-A, Webber Subdivision No. 7 175-183-10 | 160.66 | \$156,300 | \$7,551.02 |
| Kyoko Haseo C/O PO Box 1972 Soldotna, AK 99669 | Lot 9 Block 2, Webber Subdivision 175-182-09 | 150.76 | \$26,200 | \$7,085.72 |
| Virginia M. Harris 3945 Balchen Dr. Anchorage, AK 99517 | Lot 10 Block 2, Webber Subdivision 175-182-10 | 150.76 | \$36,700 | \$7,085.72 |
| Michael J. Warburton 3500 Crittenden Rd. Homer, AK 99603 | Lot 2, Webber Subdivision No. 6 175-184-05 Tract 1-A, Webber Subdivision No. 8 175-184-07 Lot 3, Webber Subdivision No. 6 175-184-06 | 387.90 155 ~160 | \$405,200 \$427,100 \$737,200 | \$18,231.30 \$7,285.00 \$7,520.00 |

17510069

17510070

17518324
137.7'
17518310
160.66'

17518403

17518407
387.90

WADDELL ST.

17518209
150.76'

17518405
155'

17518210
150.76'

PORTION OF
PARCEL
17518406
~160'

17519014

CITY OF HOMER
PROPERTY OWNER'S STATEMENT OF
OBJECTION OR NON OBJECTION
TO LOCAL IMPROVEMENT/ASSESSMENT DISTRICT

LOCAL IMPROVEMENT/ASSESSMENT DISTRICT: **CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT DISTRICT.** (the "Assessment District")

___ I/We have no objection to the **CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT District.**

___ I/We object to the **CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT District.**

Reasons/Comments: _____

I/we affirm that I/we am/are the owner(s) of the following lots in the Assessment District (give legal description):

PROPERTY OWNER'S PRINTED NAME: SIGNATURE and DATE:

| | | |
|-------|-------------|--------|
| _____ | _____ | _____ |
| | (signature) | (date) |
| _____ | _____ | _____ |
| | (signature) | (date) |

NOTE: Please make sure that all the property owners of record print, sign and date this document. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM.

TO FILE AN OBJECTION USING THIS FORM, COMPLETE THE BLANKS AND RETURN IT BY THE DEADLINE, MARCH 23 2012, STATED IN THE NOTICE OF RIGHT TO OBJECT:

Jo Johnson, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
(907)235-3130

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-108

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
FINDING THE NEED TO CREATE THE CRITTENDEN DRIVE
RECONSTRUCTION AND PAVING LOCAL IMPROVEMENT
DISTRICT (LID) AND SETTING A PUBLIC HEARING FOR
JANUARY 23, 2012.

WHEREAS, The owners of property fronting Crittenden Drive signed the application for road reconstruction and paving improvements at the required level of at least 50% thereby forwarding this LID to the petition phase; and

WHEREAS, A neighborhood meeting was held on August 9, 2011 at 5:00 p.m. regarding the requested improvements and one property owner and staff were in attendance; and

WHEREAS, Property owners signing the petition equal \$1,725,800.00 in property value or 78%;
and

WHEREAS, The Homer City Council finds the need to create the Crittenden Road Reconstruction and Paving LID pursuant to HCC 17.04.030; and

WHEREAS, The deadline for this LID Petition was October 28, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds the need to create the Crittenden Road Reconstruction and Paving Local Improvement District and sets the date for public hearing as January 23, 2012 during the Regular City Council meeting that begins at 6 p.m. for the purpose of hearing protests against the formation of said improvement district.

BE IT FURTHER RESOLVED by the City Council that should the rest of the property owners, excluding the governmental agencies, sign the petition between now and the public hearing that the Council may agree to waive the 60 day objection period provided that the involved property owners agree thereto in writing by signing a waiver to that effect.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 28th day of November, 2011.

CITY OF HOMER

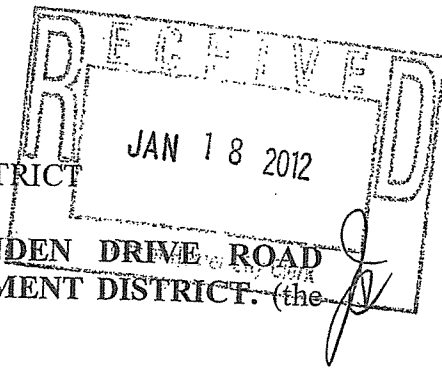

MARY E. WYTHE, MAYOR PRO TEMPORE

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
PROPERTY OWNER'S STATEMENT OF
OBJECTION OR NON OBJECTION
TO LOCAL IMPROVEMENT/ASSESSMENT DISTRICT



LOCAL IMPROVEMENT/ASSESSMENT DISTRICT: **CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT DISTRICT.** (the "Assessment District")

I/We have no objection to the **CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT District.**

I/We object to the **CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT/ASSESSMENT District.**

Reasons/Comments: _____

I/we affirm that I/we am/are the owner(s) of the following lots in the Assessment District (give legal description):

Webber Sub. No. 6 Lot 2 179-184-09
Webber Sub. No. 8 Tract 1-A 179-184-07
Webber Sub. No. 6 Lot 3 179-184-06

PROPERTY OWNER'S PRINTED NAME: SIGNATURE and DATE:

Michael J Warburton Michael J Warburton 1/16/2012
(signature) (date)

(signature) (date)

NOTE: Please make sure that all the property owners of record print, sign and date this document. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM.

TO FILE AN OBJECTION USING THIS FORM, COMPLETE THE BLANKS AND RETURN IT BY THE DEADLINE, MARCH 23 2012, STATED IN THE NOTICE OF RIGHT TO OBJECT:

Jo Johnson, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
(907)235-3130

Crittenden Road LID Conceptual Cost Estimate

January 4, 2012

| Work Item | Unit | Unit Price | Quantity | Cost |
|-------------------------------|---------|-------------|----------|------------|
| mobilization/demobilization | LS | \$ 27,500 | - | \$ 27,500 |
| excavation/offsite disposal | CY | \$ 7.25 | 2,910 | \$ 21,098 |
| classified backfill | ton | \$ 10.50 | 5,760 | \$ 60,480 |
| geotextile fabric | SF | \$ 10.00 | 3,480 | \$ 34,800 |
| rolled curb | LF | \$ 22.50 | 850 | \$ 19,125 |
| driveway culverts | EA | \$ 8.00 | 1,900 | \$ 15,200 |
| drainage outfall improvement | LS | \$ 19,000 | - | \$ 19,000 |
| A.C. pavement/leveling course | SF | \$ 4.50 | 25,800 | \$ 116,100 |
| utility relocation | LS | \$ 30,000 | - | \$ 30,000 |
| topsoil/seeding | 1000 SF | \$ 1,100.00 | 15 | \$ 16,500 |

| | |
|-------------------------------|-------------------|
| Total Road LID Construction = | \$ 359,803 |
| Contingency (15%) = | \$ 53,970 |
| Design (10%) = | \$ 41,377 |
| Inspection (4%) = | \$ 16,551 |
| Administration (5%) = | \$ 20,689 |
| Total LID Project Cost | \$ 492,390 |

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-05

An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex.

Sponsor: City Manager

1. City Council Regular Meeting January 23, 2012 Introduction
 - a. Memorandum 12-012 from City Manager as backup
2. City Council Regular Meeting February 13, 2012 Public Hearing and Second Reading
 - a. Memorandum 12-012 from City Manager as backup

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 12-05

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE PURCHASE OF KENAI PENINSULA BOROUGH PARCEL NO. 17714019 (LOT 2, GLACIER VIEW SUBDIVISION NO. 18), IN THE AMOUNT OF \$260,000 FROM THE GENERAL FUND BALANCE FOR THE PURPOSE OF PROVIDING LAND FOR FUTURE EXPANSION OF THE CITY PUBLIC WORKS COMPLEX.

WHEREAS, The owner of Lot 2, Glacier View Subdivision No. 18 ("Property"), has offered to sell the Property to the City for \$260,000; and

WHEREAS, The proposed sale price for the Property is substantially less than the \$290,000 appraised value of the Property; and

WHEREAS, The sale offer provides the City with the opportunity to acquire property that is well situated for future expansion of the City Public Works Complex.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes the purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View Subdivision No. 18) with funds from the General Fund Balance for the purpose of acquiring a site for the future expansion of the Public Works Complex as follows:

Expenditure

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|--|---------------|
| 156-375 | Property Acquisition, Lot 2, Glacier View Subdivision No. 18 | \$260,000 |

Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

46 ATTEST:

47

48

49

50 JO JOHNSON, CMC, CITY CLERK

51

52

53 YES:

54 NO:

55 ABSTAIN:

56 ABSENT:

57

58 First Reading:

59 Public Hearing:

60 Second Reading:

61 Effective Date:

62

63

64 Reviewed and approved as to form:

65

66

67

68 Walt E. Wrede, City Manager

69

70 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

MEMORANDUM 12-012

TO: Mayor Hornaday and Homer City Council

FROM: Walt Wrede

DATE: January 16, 2012

SUBJECT: Acquisition of Lot 2, Glacier View Subdivision No. 18

The City of Homer has been offered the opportunity to acquire Lot 2, Glacier View Subdivision No. 18. This parcel is just over one acre in size and it is located on the Sterling Highway immediately West and adjacent to the Public Works Complex. The City has an interest in this parcel for reasons described below. The City Manager has been negotiating with the property owner and has agreed to a purchase price. A preliminary purchase agreement has been signed. This agreement is subject to City Council approval.

Acquiring this parcel is in the public interest for the following reasons:

- The Public Works Complex: Expanding and/or creating a new Public Works complex is on the C.I.P. List as a Priority II project. For a variety of reasons (funding, zoning, availability of suitable land), it is difficult to imagine the public works complex moving to another location anytime soon. The current site is extremely crowded and there is little room for expansion or new activities. Acquisition of this adjacent property would allow for the elimination of lot lines and provide new land for expansion. Acquiring this property now might be cheaper than acquiring this or other land later. Expanding the footprint of the existing complex is cheaper than acquiring enough land to relocate the entire complex.
- New PW Administration Building: Primary needs at the Public Works Complex include expanded office space, conference rooms, public waiting areas, map rooms, and storage areas. Expanded office space at the current location could be problematic for a variety of reasons and there are many advantages to separating office space and public areas from the motor pool and the shop. This property could provide a suitable location for a new administration building and the existing building could be modified to provide more badly needed shop space.
- Consolidation of PW Functions: Council members have expressed an interest in moving the buildings and grounds maintenance shop to a new location and facility so that the old school building could be demolished. This would eventually save on energy costs and improve the value of the City's property at the corner of Pioneer Ave. and the Sterling Highway. Acquiring this parcel might provide the space for a new buildings and grounds maintenance shop on the PW complex or for incorporation into the existing PW Building if administration functions are moved to another location.
- Possible Trading Stock: The most suitable land for expansion of the Public Works Complex lies to the east of the existing parking lot. However, that land was purchased by the Exxon Valdez Trustee Council and currently is governed by a conservation easement. The South portion of the

property to be acquired contains wetlands, a small stream that empties into the Beluga Slough, Slough frontage with a great view, and an old elevated observation platform. Trail connections with the existing Beluga Slough trail network and in the other direction, toward Bishops Beach, are desirable. Consideration could be given to a potential trade of conservation easement property; this parcel, or a portion of it, for a small piece of property east of the PW Complex.

The Council has been provided with a Title Report and a current appraisal as required by HCC 18.06.020 (c). The appraisal values the property at \$290,000. The purchase agreement stipulates a sale price of \$260,000. The City has not objected to any of the exceptions contained in the title report with the exception of the unpaid property taxes and interest for 2011. The owner had agreed to satisfy unpaid taxes through escrow and have them deducted from the property sale proceeds.

RECOMMENDATION: Approve Ordinance 12-05, appropriate \$260,000 for the purchase of this property, and authorize the City Manager to execute the appropriate documents.

Kachemak Bay Title Agency, Inc.

3733 Ben Walters Lane, Suite 1, Homer, Alaska 99603
Phone (907) 235-8196 • Fax (907) 235-2420

PRELIMINARY COMMITMENT FOR TITLE INSURANCE

Agent for Stewart Title Guaranty Company

Kachemak Bay Title Agency, Inc.
3733 Ben Walters Lane, Suite 1
Homer, Alaska 99603
ATTENTION: Amanda Miotke

File No.: 30394

Date of Preliminary Commitment: December 16, 2011 at 8:00 A.M.

A consolidated statement of all charges and advances in connection with this order will be provided at closing.

| | <u>Amount</u> | <u>Premium</u> |
|-------------------------------|---------------|----------------|
| (X) Owner's Standard Coverage | \$260,000.00 | \$1,062.00 |

Stewart Title Guaranty Company agrees to issue on request and on recording of any appropriate documents, its Policy or Policies as applied for, with coverage as indicated based on this Preliminary Commitment that title to the property described herein is vested on the date shown above in:

NICHOLAS KAZAN, an estate in fee simple.

SUBJECT only to the exceptions shown herein and to the terms, conditions and exceptions contained in policy form. This report and commitment shall have no force or effect except as a basis for coverage specified herein.

By: 

Kathy Oakland
Authorized Signator

DESCRIPTION

Lot Two (2), GLACIER VIEW SUBDIV. NO. 18, according to Plat No. 85-128, in the Homer Recording District, Third Judicial District, State of Alaska.

GENERAL EXCEPTIONS

1. Encroachments or questions of location, boundary and area, which an accurate survey may disclose; public or private easements not disclosed by the public records; rights or claims of persons in possession, or claiming to be in possession, not disclosed by the public records; material or labor liens or statutory liens under State Acts not disclosed by the public records; material or labor liens or statutory liens under State Acts not disclosed by the public records; water rights or matters relating thereto; any service, installation or construction charges for sewer, water or electricity.
2. Right of use, control or regulation by the United States of America in the exercise of powers over navigation; defects, liens, encumbrances, or other matters created or suffered by the insured; rights or claims based upon instrument or upon facts not disclosed by the public records but of which rights, claims, instruments or facts the insured has knowledge.
3. General taxes not now payable; matters relating to special assessments and special levies, if any, preceding the same becoming a lien.
4. Mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof.
5. Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
6. "Consumer Credit Protection", "Truth in Lending" or similar law, or failure to comply with said law(s).
7. Public or private easements not disclosed by the public records, including right of ways claimed pursuant to RS 2477.

SPECIAL EXCEPTIONS

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **TAXES DUE** the taxing authority noted below for the year and amount indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
Year: 2011
Original Amount: \$1,937.96 DELINQUENT, PLUS PENALTY AND INTEREST THEREON

NOTE: For current payoff information, contact the Kenai Peninsula Borough at (907) 262-4441.
Refer to Tax Account No. 177-140-19.
3. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 85-128, to the record of which reference is hereby made.
4. **EFFECT** of the notes on said Plat No. 85-128, to the record of which reference is hereby made.
5. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: Sewer Utility
In Favor Of: City of Homer
Recorded: February 24, 1987
Volume/Page: 177/544
Affects: No definite location disclosed
6. **PROPER SHOWING** of the authorization for the proposed transaction by the herein named party according to its constitution, charter, discipline or by-laws, including authorization for the party or parties acting on its behalf:
Party: City of Homer

TITLE TO VEST: CITY OF HOMER

NOTE: We find no unsatisfied judgments or tax liens against the above named in the Homer Recording District.

Kenai Peninsula Borough Tax Parcel No. 177-140-19

2011 Assessed Values as follows for:

| | |
|---------------|--------------|
| Land: | \$171,500.00 |
| Improvements: | \$0 |
| Total: | \$171,500.00 |

NOTE: IN THE EVENT THIS TRANSACTION FAILS TO CLOSE, a cancellation fee of \$250.00 will be charged in accordance with our rate schedule, due and payable within 30 days.

NOTE: Investigation should be made to determine if there are any service, installation maintenance, or construction charges for sewer, water or electricity.

ko
1/3/12

BK 00313PG0493

STATUTORY WARRANTY DEED
A.S. 34.15.030

The GRANTOR, TIPPI COOPER-FEENEY, a married woman, of P. O. Box 222551, Anchorage, Alaska, 99522, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, and other good and other valuable consideration in hand paid, conveys and warrants to the GRANTEE, NICHOLAS KAZAN, of 601 West 36th Avenue, Anchorage, Alaska, 99503, that certain real estate located in the Homer Recording, Third Judicial District, State of Alaska, and more particularly described as follows:

Lot Two (2), GLACIER VIEW SUBDIVISION #18, according to Plat No. 85-128 in the records of the Homer Recording District, Third Judicial District, State of Alaska.

SUBJECT, however, to the existing easement, conditions, covenants, restrictions and reservations of record.

TOGETHER WITH, ALL AND SINGULAR, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

DATED at Anchorage, Alaska, this 25th day of April, 2001.

Tippi Cooper-Feeney
TIPPI COOPER-FEENEY

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 25th day of April, 2001, before me the undersigned Notary Public in and for the State of Alaska, personally appeared TIPPI COOPER-FEENEY known to me and to me known to be person named in and who executed the foregoing document, and she acknowledged to me that she had signed and executed

THOMAS L. MELANEY
ATTORNEY AT LAW
1263 EBERHARD ROAD
ANCHORAGE, AK 99503
(907) 276-7231

Kazan/Cooper-Feeney

-1-

Statutory Warranty Deed

BK00313PG0494

the same as her free and voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and official seal the day and year in this certificate first above-written.

[Handwritten Signature]
Notary Public in and for Alaska
My Commission Expires: 6/6/2004



Grantor's Address:

P. O. Box 222551
Anchorage, AK 99522

Grantee's Address:

601 West 36th Avenue
Anchorage, AK 99503

After Recording, Return to:
Thomas L. Melaney, Esq.
2263 Spenard Road
Anchorage, AK 99503

THOMAS L. MELANEY
ATTORNEY AT LAW
2263 SPENARD ROAD
ANCHORAGE, AK 99503
(907) 274-7551

001807

Kazan/Cooper-Feeney
RECORDER
RECORDING DISTRICT

-2-

2001 APR 30 P 1:23 / *1800*
REQUESTED BY *Melaney*
Statutory Warranty Deed

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

CITY OF HOMER, a municipal corporation,

Plaintiff,

vs.

1.159 acres permanent sewer easement and 2.531 acres temporary construction easement across real property located within the City of Homer, Alaska; CLAYTON CO.; IABEL H. DUFFY and all other unknown heirs and devisees of the ESTATE OF DON DUFFY, SR., deceased; EVELYN M. GRANT; B. C. HAMILTON; HARRY W. HEGDAHL; EARL HILLSTRAND; RONALD HUNT; CARL NICKELSON; JACK and FLORENCE SOLLEE; REX COOPER; M. G. YOUNG; and all other Unknown Owners and parties in interest,

Defendants.

FILED
IN OPEN COURT
Superior Court
State of Alaska
at Anchorage
Date 4/12/71
A. M. VOKACEK, Clerk
Richard D. Duff

No. 71-664

ORDER GRANTING RIGHT OF ENTRY AND POSSESSION

The above entitled cause having come on for hearing on the 13th day of April, 1971, Notices of Filing Complaint having been duly served either by certified mailing or personal service upon all parties having an interest in the hereafter described parcels of land, with the exception of EVELYN M. GRANT and JACK and FLORENCE SOLLEE; and it appearing to the Court that only B. C. HAMILTON has objected to the Declaration of Taking filed herein on March 10, 1971, all other parties having waived any defenses or objections to the said taking; and it further appearing that the estimated compensation for the interests condemned was deposited with the Court on March 12, 1971; that Appearances have been filed

LAW OFFICES OF
ONE, NEWELL & FLETCHER
AS SUPERIOR COURT CLERK
ANCHORAGE, ALASKA
APR 12 1971
SUPERIOR COURT
CLERK
ANCHORAGE, ALASKA

1 by defendants RONALD HUNT, CLAYTON CO., LABEL H. DUFFY, the ESTATE
2 OF DON DUFFY, SR., B. C. HAMILTON and EARL HILLSTRAND, defendants
3 HARRY W. HEGDAHL, CARL HICKELSON and JACK and FLORENCE SOLLEE hav-
4 ing been dismissed, and no answer or appearance being filed by
5 REX COOPER and M. G. YOUNG.

6 IT IS HEREBY ORDERED that permanent sewer easements and
7 temporary construction easements as described in the Complaint
8 herein as to the following parcels are condemned and taken for
9 the use of the plaintiff as set forth in the Declaration of
10 Taking:

- 11 Parcel O.P.-1 (Earl Hillstrand, owner of record)
- 12 Parcel O.P.-2 (Clayton Co., owner of record)
- 13 Parcel O.P.-3 (Clayton Co., owner of record)
- 14 Parcel O.P.-6 (Clayton Co., owner of record)
- 15 Parcel O.P.-7 (Clayton Co., owner of record)
- 16 Parcel O.P.-9 (M. G. Young & Rex Cooper, owners of record)
- 17 Parcel O.P.-10 (Ronald Hunt, owner of record)
- 18 Parcel W-3 (Estate of Don Duffy, Sr., owner of record)

20 AND IT IS HEREBY FURTHER ORDERED, that plaintiff have the
21 right of entry upon said parcels and that all persons interested
22 therein immediately surrender possession of the land condemned
23 to the plaintiff, its agents, employees and contractors.

24 AND IT IS FURTHER ORDERED that the hearing as to right of
25 entry and possession be continued as to defendants B. C. HAMILTON
26 and EVELYN GRANT until the 9th day of June, 1971, at the hour of
27 11:00 A.M. in Courtroom 8 of the above Court.

28 AND IT IS FURTHER ORDERED, that these proceedings shall
29 remain open with regard to the above described parcels for the
30 determination of just compensation for the interests condemned
31 therein.

32
LAW OFFICES OF
EARL HOFF & PARTNERS
200 SOUTH ALASKA
SITKA, ALASKA
907-745-1111
SITKA, ALASKA
907-745-1111
SITKA, ALASKA
907-745-1111

KACHEMAK BAY TITLE AGENCY, INC.
1691 BEN WALTERS LANE, #1
SITKA, ALASKA 99762

0177-546

DATED at Anchorage, Alaska, this 2 day of June, 1971.

JUDGE OF SUPERIOR COURT

87-2518

18-

RECORDED-FIXED
HOMER RECORDING
DISTRICT

JUN 29 10 AM '71

REQUESTED BY KBT

ADDRESS Horne

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Notary Public
for the State of Alaska
My Comm. Expires 12/31/72
KAREN L. PLUM
234-3333
1000 MARINA
ANCHORAGE, ALASKA 99501

ATTEST:

6/3/71

Return to
KACHEMAK BAY TITLE AGENCY, INC.
3001 B. WINTERS LANE, F.
ANCHORAGE, ALASKA 99503

1037 Instrument No. 1037

Anchorage 03983

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Anchorage, Alaska, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of JOSEPH E. LEE has been established and duly consummated, in conformity to law; for the north half of the southwest quarter and the east half of the northwest quarter of Section twenty in Township six south of Range thirteen west of the Seward Meridian, Alaska, containing one hundred sixty acres, according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. Also excepting and reserving to the United States all the coal in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922 (42 Stat. 415). And there is, also, reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat., 305).

IN WITNESS WHEREOF, I, Calvin Coolidge, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTEENTH day of MAY in the year of our Lord One thousand nine hundred and TWENTY-FIVE and of the Independence of the United the one hundred and FORTY-NINTH.

By the President
Calvin Coolidge
By Viola B. Fugh, Secretary.
M. P. Lacey
Register of the General Land Office.

(SEAL)

RECORD OF PATENTS: Patent Number 959430

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Washington 25, D. C. Dec. 3, 1953

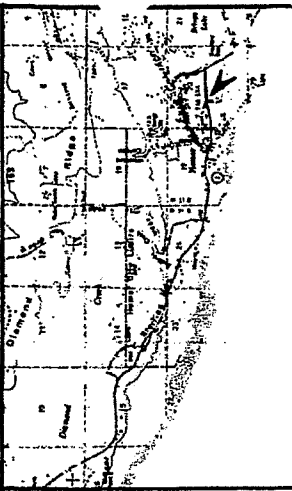
I hereby certify that this photograph is a true copy of the patent record, which is in my custody in this office.

Oscar E. Collins
Chief, Copy Records Section

FILED FOR RECORDING: December 29, 1953
at 9:45 A. M.
1037

At the Request of Kenneth A. Heath

* * * * *



Vicinity Map
1/4 Mile

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROPERLY LICENSED AND LICENSEE TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THE INSTRUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

[Signature]
 R. E. COOPER
 State Surveyor
 1100
 S. of N. 4th St., Anchorage, Alaska 99501



PLAT APPROVAL

THIS PLAN WAS APPROVED BY THE REGULAR PERIODIC COMMON PLANNING COMMISSION AT THE MEETING OF NOVEMBER 16, 1955 AT THE CITY OF HOMER.

[Signature]
 Notary Public for the State of Alaska

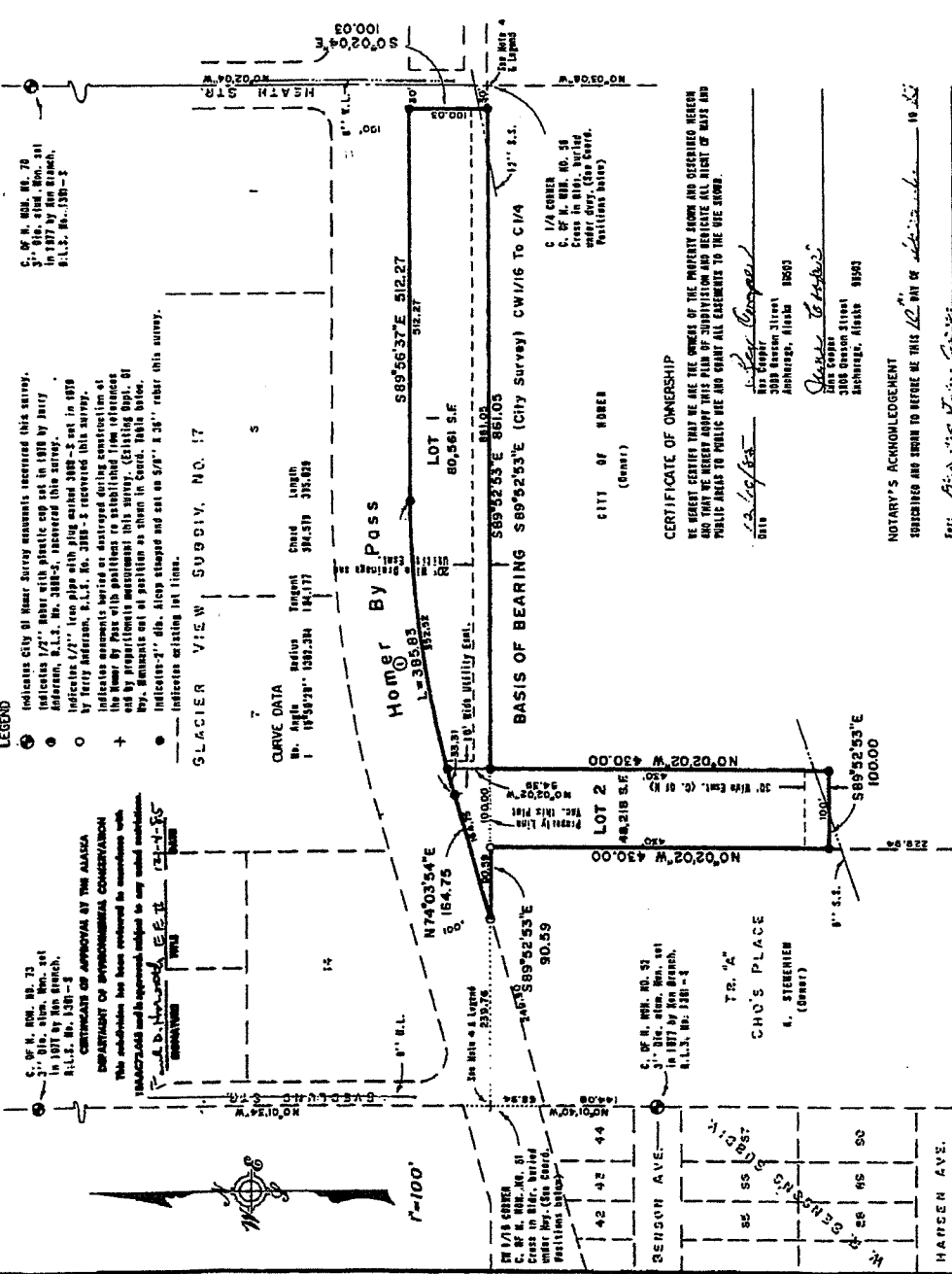
GLACIER VIEW SUBDIV. NO. 18

Located Within The City Of Homer

A REPLAT OF THAT PORTION OF THE SE 1/4 NW 1/4 OF SEC. 20, T6S, R13W, S. M., SITUATED ON THE SOUTH SIDE OF THE HOMER BY PASS TOGETHER WITH THE WEST 100 FEET OF THE NORTH 430 FEET OF THE E 1/2 NW 1/4 NE 1/4 SW 1/4 OF SAID SEC. 20 INTO LOTS 1 & 2 OF GLACIER VIEW SUBDIV. NO. 18, HOMER RECORDING DISTRICT, ALASKA.

CONTAINING 2.956 ACRES

Prepared For
 REX COOPER
 3006 DAWSON ST.
 ANCHORAGE, ALASKA 99503
 Date: 09/28/85 Scale: 1"=100' K.R.B. File No. 85-386



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND RESIGNS ALL RIGHT OF WAY AND PUBLIC RIGHTS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE HEREIN.

[Signature]
 Rex Cooper
 3006 Dawson Street
 Anchorage, Alaska 99503

[Signature]
 Charles L. Howard
 3006 Dawson Street
 Anchorage, Alaska 99503

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF September 1955

Notary Public for the State of Alaska
[Signature]
 Richard J. Howard
 No. 138-2

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF September 1955

Notary Public for the State of Alaska
[Signature]
 Richard J. Howard
 No. 138-2

85-128
 HOMER
 1A-19-85
 10:55 A
 K.R.B. File No. 85-386

KACHEMAK BAY TITLE AGENCY



Dear Customer:

Thank you for selecting Kachemak Bay Title Agency, Inc. as the closing agent for your transaction.

Attached is the Preliminary Commitment for Title Insurance (title report) along with copies of documents referenced in the title report.

At the end of the report, please note the paragraph headed "Title to Vest". Please be sure the names are correct on the report as *these are the names we will use on all closing documents*. If corrections need to be made, please contact our office as soon as possible.

The Escrow Department is now preparing documents for closing and will contact you or your agency regarding a time to sign and the amount of funds you will need for closing. All funds will need to be available one day prior to recording, either by *wire transfer or a cashier's check drawn on an Alaskan bank*, payable to Kachemak Bay Title Agency.

Please be advised that document recording may not take place prior to the deposit and verification of all funds required for the closing of your transaction, including any loan funds that may be involved. This may result in a delay in recording.

If you are required to provide *fire insurance* as part of closing, you will need to bring an insurance binder with you to closing or have your insurance company fax the binder to our office. It is best to contact your insurance agency as soon as possible regarding your insurance requirements.

We are looking forward to serving as your closing agent and encourage you to contact our Escrow Department with any questions or additional requirements you might have to ensure a smooth closing.

CASSANDRA MCMAHON
Escrow Officer

AMANDA MIOTKE
Escrow OFFICER

3733 Ben Walters Lane • Suite 1 • Homer, Alaska 99603
Ph (907) 235-8196 • Fax (907) 235-2420 • E-mail kbt@xyz.net

Kachemak Bay Title Agency, Inc.

3733 Ben Walters Lane, Suite 1

Homer, Alaska 99603

Tel: (907) 235-8196

Fax: (907) 235-2420

Email kbt@xyz.net

OUR PRIVACY NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of STEWART TITLE GUARANTY COMPANY, STEWART TITLE INSURANCE COMPANY, PACIFIC NORTHWEST TITLE INSURANCE COMPANY AND KACHEMAK BAY TITLE AGENCY INC.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agency or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial Service providers such as companies engaged in banking, consumer finance, securities and insurance.

Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **Stewart Title Guaranty Company, Stewart Title Insurance Company, Stewart Title Insurance Company of Oregon, National Land Title Insurance Company, Arkansas Title Insurance Company, Charter Land Title Insurance Company.**

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We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

ORDINANCE(S)

CITY OF HOMER
HOMER, ALASKA

City Manager/Parks and Recreation
Advisory Commission

ORDINANCE 12-06

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE KAREN HORNADAY PARK PROJECT BUDGET
ESTABLISHED VIA ORDINANCE 11-22 BY APPROPRIATING AN
ADDITIONAL \$50,000 FOR PLAYGROUND EQUIPMENT AND
MATERIALS AND PROVIDING THAT FUTURE BUDGET
AMENDMENTS BE MADE BY RESOLUTION.

WHEREAS, The Homer City Council established a preliminary project budget for Phase I of the Karen Hornaday Park Project through adoption of Ordinance 11-22; and

WHEREAS, HoPP, the volunteer organization working to improve the playground, has requested that an additional \$50,000 be appropriated for playground equipment and materials in order to assist with its fund raising and grant writing efforts and to insure that construction can begin this spring; and

WHEREAS, The Parks and Recreation Advisory Commission has considered this request and recommends that an additional \$50,000 be allocated for playground equipment and materials and that this amount be deducted from the \$240,000 previously budgeted as reserved and unallocated; and

WHEREAS, The Commission will be working on a final and comprehensive project budget for the Council to consider and recommends that all future budget amendments be approved by resolution.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the preliminary Karen Hornaday Park project budget for Phase I by appropriating an additional \$50,000 for playground equipment and materials as follows:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-------------------------|------------------|
| 151-776 | Engineering and Survey | \$50,000 |
| | Ball Field Improvements | \$10,000 |
| | Playground Improvements | \$55,000 |
| | Reserved / Unallocated | <u>\$190,000</u> |
| | TOTAL | \$305,000 |

Section 2. Since the Council has appropriated local funds and accepted and appropriated a legislative grant for this project, both actions by ordinance, all future amendments to the project budget may be made by made by resolution.

45 Section 3. This ordinance is a budget amendment ordinance only, is not permanent in nature, and
46 shall not be codified.

47
48 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____,
49 2012.

50
51 CITY OF HOMER

52
53
54 _____
55 JAMES C. HORNADAY, MAYOR

56
57 ATTEST:
58
59
60 _____
61 JO JOHNSON, CMC, CITY CLERK

62
63 YES:
64 NO:
65 ABSTAIN:
66 ABSENT:
67
68 First Reading:
69 Public Hearing:
70 Second Reading:
71 Effective Date:

72
73 Reviewed and approved as to form:

74
75
76 _____
77 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

78
79 Date: _____

Date: _____

80
81

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Parks & Recreation
4 Advisory Commission

5 ORDINANCE 11-22
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, ESTABLISHING A PRELIMINARY PROJECT
9 BUDGET AND AUTHORIZING EXPENDITURES FOR PHASE I
10 IMPROVEMENTS TO KAREN HORNADAY PARK.
11

12 WHEREAS, The City of Homer received an FY 2010 state legislative grant in the
13 amount of \$250,000 to be used for Phase I improvements to Karen Hornaday Park (Ordinance
14 11-06); and
15

16 WHEREAS, The City Council also appropriated \$55,000 in Stimulus funding toward
17 improvements at the park (Ordinance 10-23A), bringing the total amount available for the project
18 to \$305,000; and
19

20 WHEREAS, The Parks and Recreation Advisory Commission has deliberated on the best
21 use of the funding and forwarded a recommendation to the City Council to allocate an
22 appropriate amount of funding for preliminary engineering to include road realignment, a bridge
23 over Woodard Creek, and drainage improvements; as well as \$10,000 for ballfield improvements
24 and \$5,000 for playground improvements; and
25

26 WHEREAS, The Commission also wanted to keep some of the funding in reserve as a
27 possible match for future grants and/or to fund additional Phase I improvements.
28

29 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
30

31 Section 1. The Homer City Council hereby establishes a preliminary budget and
32 authorizes the expenditure of funds for improvements to Karen Hornaday Park as follows:
33

34 Expenditure:
35

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|-------------------------|------------------|
| 151-776 | Engineering / Survey | \$ 50,000 |
| | Ball Field Improvements | \$ 10,000 |
| | Playground Improvements | \$ 5,000 |
| | Reserved / Unallocated | <u>\$240,000</u> |
| | TOTAL | \$305,000 |

36
37
38
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40
41

42 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not
43 be codified.

44
45 ENACTED BY THE HOMER CITY COUNCIL this 13th day of June, 2011.



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

ATTEST

Jo Johnson
JO JOHNSON, CMC, CITY CLERK

YES: 6
NO: 0
ABSENT: 0
ABSTAIN: 0

First Reading: 05/24/11
Public Hearing: 06/13/11
Second Reading: 06/13/11
Effective Date: 06/14/11

Reviewed and approved as to form:

Walt Wrede
Walt Wrede, City Manager

Date: 6/16/11

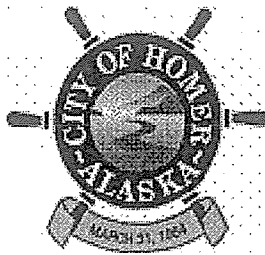
Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 6-22-11

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130

(907) 235-8121
Extension: 2227
Extension: 2224

Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 12-019

TO: MAYOR HORNADAY AND CITY COUNCIL
THRU: WALT WREDE, CITY MANAGER
FROM: PARKS AND RECREATION ADVISORY COMMISSION
DATE: JANUARY 25, 2012
RE: RECOMMENDATION TO APPROVE A REQUEST FROM THE HOMER
PLAYGROUND PROJECT FOR ADDITIONAL FUNDING

BACKGROUND

The Homer Playground Project requested an additional \$50,000 to fund material and equipment purchases for a proposed new playground at Karen Hornaday Park. A special meeting was conducted on January 5, 2012 to consider that request. The Commission postponed a decision until the January 19, 2012 regular meeting. This would allow the commission time to properly review the engineering estimate by Carey Meyer, Public Works Director and a proposed spending plan by Katie Koester, Community and Economic Development Coordinator, provided as laydowns at the special meeting. A joint worksession was scheduled prior to the meeting to allow open discussion with all interested groups. The minutes reflecting that meeting is attached.

At the regular meeting on January 19, 2012 the commission considered public testimony from several persons regarding the proposed playground project. The commission disseminated information provided and with the assistance of city staff made the following recommendation. An excerpt from the minutes reflecting the dialogue is attached.

RECOMMENDATION

Approve the request for allocating an additional \$50,000.00 to the Homer Playground Project (HoPP) and that future amendments to the preliminary budget established by Ordinance 11-22 for the Phase I Improvements to Karen Hornaday Park are permitted by Resolution.

Session 12-01, a Special Meeting of the Parks and Recreation Advisory Commission was called to order by Chair Bumpo Bremicker at 5:38 p.m. on January 5, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BRANN, BREMICKER, LOWNEY

TELEPHONIC: COMMISSIONER ARCHIBALD

ABSENT: COMMISSIONER LILLIBRIDGE (EXCUSED)

STAFF: CITY MANAGER WALTER WREDE
PUBLIC WORKS DIRECTOR CAREY MEYER
COMMUNITY AND ECONOMIC DEVELOPMENT COORDINATOR KATIE KOESTER
DEPUTY CITY CLERK I RENEE KRAUSE

APPROVAL OF THE AGENDA

The agenda was approved by consensus of the Commission.

APPROVAL OF MINUTES (Minutes are approved during Regular Meetings.)

There were no minutes for approval.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

Ralph Broshes, city resident and member of Friends of Woodard Creek and Karen Hornaday Park. Mr. Broshes read his letter of April 7, 2011 for the record. He explained his reason for joining the friends was to get a trail built along Woodard Creek. He also stated that he worked with Jack Wiles on creating the master plan for the park. He strongly advocates for parking and road improvements and would like the Commission to consider the overall safety and best use of all when developing the park. He acknowledged that implementing the master plan will take a lot of money.

Jim Preston, city resident, read a letter from Jack Wiles into the record regarding use of the remaining funding. Jack Wiles in his letter strongly recommends a preferred alternative to fund for the road and parking improvements.

Roberta Highland, city resident, thanked the commissioners for their service. She stated that Karen Hornaday Park is a jewel and Woodard Creek is a gem. She advocated for parking and road improvements to be considered before anything else for safety issues. Ms. Highland recommended that a joint effort from all interested parties with the initial focus of the parking and road improvements should be considered.

Phil Needham, representing the Little League, wanted to express appreciation to commission for the seed money they received to perform improvements to the fields at Karen Hornaday Park. He stated that Little League is the biggest user group at this park and they did not want to be left out of any future plans. They have already lost some parking to the planned playground improvements without any consultation and they have concerns regarding spending all the money that is currently available on design leaving no funds to perform the actual work. He stated that the Little League would like to see more money and consideration given to maintenance and upkeep to existing facilities such as restroom roof requires replacement.

Janice Preston, city resident, read a letter that she wrote in response to how to spending the legislative grant received. She advocated and supported spending monies on road and parking improvements that will benefits the residents and visitors alike who use the park.

Jim Preston, city resident, commented that the Friends of Woodard Creek and Karen Hornaday Park were instrumental in stopping the dirt from being dumped in the area along the creek; he provided details on the effects of the creek bed and the safety benefits relocating the road and parking improvements.

Janice Preston, read a letter into the record from Marty McCleary who advocated support for use of the remaining funds to finish the engineering report to provide a shovel ready project and fully supported the parking and road improvements and beautification efforts at the entrance to the park.

Beth Cumming, city resident, and member of Friends of Woodard Creek and Karen Hornaday Park. Ms. Cumming advocated not spending any additional funds until the commission could fully review the costs estimates recently

provided by Mr. Meyer and consideration given to holding additional meetings that can have interested parties from all groups attend to discuss the priorities and distribution of funds. She offered a few observations since the playground project have started and the goals set by the group and that there are several important decisions made negating the effectiveness of the commission. She commented on the instrumental efforts of the Friends of Woodard Creek and Karen Hornaday Park that initiated all of the interest in the Park. Ms. Cumming additionally commended and recognized individuals of the community and city staff.

There were no further comments.

VISITORS

Miranda Weiss, Homer Playground Project (HoPP), Update on Playground Project/Equipment

Deb Cox, city resident and co-chair of the group distributed an informational handout that included a summary of how the funding was obtained for Karen Hornaday Park, and the actual and estimated costs for the proposed playground improvements.

Ms. Cox stated that the group is using a format that has been proven with other parks in the state and were accomplished in the one year plan with the exception of one which had land issues. Ms. Cox noted that in the packet of information the HoPP group is requesting the commission send City Council a recommendation of support for the project and allocation of an additional \$50,000 from the current funds that the City has designated for the Phase I Karen Hornaday Park Master Plan. She expounded that approving the request for \$50,000 will generate the recognition and the remaining funds required to complete the project. She further noted that speaking for herself she would love to work with the other interest groups on the improvements to the park. She acknowledged the concerns expressed by the representatives of the Friends.

Ms. Cox quickly summarized the funds they have been able to raise to date, citing the methods the group has employed so far; why it would be in the best interest of the park to approve the request for \$50,000 and submitting a recommendation to City Council in support of the group's efforts.

Ms. Cox responded that HoPP has not approached Rasmussen yet for a grant she believed it was planned to apply this month.

Commissioner Brann recommended a team approach from all the interested groups in applying to Rasmussen for a grant. Ms. Cox was very agreeable on that approach and felt that pooling efforts was a great idea and fully supports that idea but strongly recommends moving forward and not losing the momentum to accomplish HoPP's stated goals.

Ms. Cox was unable to answer Commissioner Archibald inquiry on what the group would do with additional funds from the City if they were unable to raise the remaining \$200,000.. She reiterated the intent of HoPP and in her opinion would maybe scale back the plan but continue working on raising all the funds needed to implement the overall plan.

Commissioner Lowney expressed agreement in pooling resources, concern if the user groups cannot work together as a whole they revert back to their individual projects; she does not know how; she did not know if the playground would be the impetus to affect this; she would like to see a consensus on prioritizing the pieces of the overall project. She is not sure what would or should be the first piece.

Ms. Cox opined again that with the current energy mobilized with the playground portion and the hundreds of people coming forward to help with this project. She again acknowledged that the project may not be high on everyone's list.

Chair Bremicker stated that they have a Master Plan that has been approved by City Council and the question is how we implement it now.

Ms. Cox responded to further requests for clarification on the support being requested from the Commission to endorse the project, and setting build week for May 19, 2012.

There were no further questions or comments.

RECONSIDERATION

There were no items scheduled for reconsideration.

STAFF AND COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

Mr. Walt Wrede, City Manager agreed with more concerted and coordinated efforts within all the interest groups. He stated that he has heard from a number of persons regarding the use of the available funds. He introduced Katie Koester, Community and Economic Development Coordinator. As her first task she has been asked to work with the Commission and all user groups to develop an agreeable coordinated plan on how this money should be spent. Mr. Wrede further agreed that the City will not get any additional monies from the Legislature until this current funding is spent. She has come up with a draft budget to start the conversation on how to expend the available funding.

He also informed the commission that the grant received was designated for Phase I of the Master Plan. A brief discussion on the road and parking improvements not being included in Phase I of the Master Plan.

Commissioner Archibald stated that the Committee has been waiting to hear those figures from Mr. Meyer and recommended a camp host program and removal of the red shed to comply with a request from the HoPP group.

PUBLIC HEARINGS

No public hearings were scheduled.

PENDING BUSINESS

There were no items on the agenda.

NEW BUSINESS

A. Cost Estimate for Road and Parking Concepts for Karen Hornaday Park, by Public Works Director Meyer

Mr. Meyer, Public Works Director summarized the information contained in the packet and promised to not go into a long dissertation on cost estimating. Mr. Meyer provided costs estimates for Concept A to Concept B2. He noted the following:

- offered the same amount of parking spaces*
- \$250,000 in Access and Parking Improvements*
- Earthwork between concept A & B is approximately \$100,000*
- The trail and pedestrian bridge are included but as a separate line item as other improvements*
- The road length is approximately the same in each concept*

Mr. Meyer responded to questions from the commissioners regarding the road re-alignment and what could be done with existing funds towards parking and road improvements and what could or would volunteers be allowed to provide or do. He further commented that the numbers provided do not take into account volunteer services. They are based on if these services were contracted out. He added that contractors will be less willing to volunteer services during the height of the construction season.

Commissioner Brann commented that they really need to prioritize the needs in the Master Plan and that there are other avenues for funding and all stakeholders need to be involved in searching out those funds

Commissioner Archibald thanked Mr. Meyer for providing these cost estimates.

Chair Bremicker called for a brief recess at 6:57 p.m. The meeting was reconvened at 7:04 p.m.

Katie Koester, Community and Economic Development Coordinator provided a handout that provides a draft outline to initiate dialog and produce tangible results between all the user groups. Ms. Koester stated she included funding sources and amounts; work in progress, allocated or completed; suggestions for allocating the remaining funds; application for 2012 LWCF and future steps. Ms. Koester emphasized that the grant received was for Phase I Improvements and the scope of the grant agreement included playground equipment and revitalization of a playground; expanding day use area; survey, engineering, construction and drainage improvements; removal of the old storage shed; a pedestrian bridge; and resurfacing and other parking improvements. She tried to keep her recommendations in line with the grant agreement and Land and Water Conservation Foundation grant application.

Ms. Koester reviewed the handout provided to the commission. She expounded on the need to spend these funds before getting additional funding from the Legislature. Discussion ensued on the work that has been completed and allocated for this park including preliminary engineering on the road realignment, pedestrian bridge and drainage improvements. Her recommendations also include elements that were included in the LWCF grant application which is what the State grant was based on. For the recommendation entitled "Northern parking improvements" clarification was provided by Mr. Meyer on the location as below the red shed in the area of the restrooms. Ms. Koester stated that the City will reapply for a LWCF grant in the spring and if that is received it could possibly construct the trail along Woodard creek and complete the pedestrian bridge.

The commissioners expressed appreciation for the recommendations as outlined by Ms. Koester and agreed with producing something tangible, visible and draw more attention to the overall project. The political component was acknowledged also. It was opined that as long as all parties could be convinced to buy in to this plan it would be great but would also like that conversation. Discussion included extending the term of the grant; the grant agreement was dated February 2011 and must be used five years from the date on the agreement.

Commissioner Brann offered a recommendation to address safety issues regarding speeders on the road within the park.

There was no further discussion.

B. Use of a Portion of Legislative Grant Funds for Phase I Karen Hornaday Park for Playground Equipment.

Chair Bremicker read the item into the record. He noted that just focusing on one portion maybe was not the best process. He acknowledged that there was urgency on the part of the HoPP group but any recommendation would still have to be approved by City Council. He further commented that he would like to hear comments from the Friends of Karen Hornaday, Woodard Creek and Little League regarding the overall project and get additional viewpoints before

making a recommendation.

Jim Preston, a soils expert by trade provided personal observation on the effects of dumping and opinions on relocating the road into the park and how it affected Woodard Creek. He offered some recommendations on what they should have as a goal to put Woodard Creek back on the right path.

Chair Bremicker called for a brief recess at 7:38 p.m. to allow members of user groups present to confer for a moment to respond to the Chair request. He called the meeting back at 7:41 p.m.

Roberta Highland speaking for the Friends of Woodard Creek and Karen Hornaday Park, related the groups experience in relation to the grant application and funding received. She stated that the main concerns of safety, establishing a trail and creek restoration were the major concerns of the group. Ms. Highland stated that the group recommends that any additional expenditures of money be postponed until further review of all the numbers and facts submitted at this meeting before anything else is done. They would further recommend re-writing the Phase I projects since it does not address any of the initial concerns that started this whole endeavor.

A brief discussion on if fill removed from one area could be used in other areas of the project. Two contractors involved stated that the quality of materials removed from that area would not be suitable for the parking and road improvements recommended. The materials could be used to fill some areas though that it was needed.

Ms. Krause stated that the discussion is off topic and that the commission was supposed to be discussing "Use of a Portion of Legislative Grant Funds for Phase I Karen Hornaday Park for Playground Equipment"

Chair Bremicker acknowledged that fact but opined that discussion was needed and that the commission was not ready to address just that issue and that they need to look at the big picture. The commissioners present agreed with the statement to postpone a decision. He also stated that the Committee should address this request, but acknowledged the circumstances not allowing that to happen at this time.

Todd Steiner, city resident and local contractor, having kept silent until now acknowledged the time and previous efforts of the other user groups but stated that the Commission should put consideration on the fact that HoPP purposes to bring \$150,000.00 to the table for \$50,000.00 to help improve the area.

The commissioners discussed and agreed to have a joint worksession with the user groups prior to the regular meeting to discuss Karen Hornaday Park. A discussion on how the meeting would be conducted ensued and what would be on the agenda.

Chair Bremicker requested all the groups to bring to the worksession their ideas and what they would like to see done.

There was no further discussion.

INFORMATIONAL MATERIALS

There were no informational materials.

COMMENTS OF THE AUDIENCE

Todd Steiner, city resident, commented that there were two items before the commission tonight and he could understand if they needed more time to make a decision on the request for more money but if they could resolve to support HoPP tonight it would assist the group in obtaining donations from other grant organizations and seeing the city supporting the organization would also help in private donations.

Deb Cox, HoPP, appreciated everyone's comments; together everyone achieves more, Go Team! Ms. Cox commented that the HoPP project is on a timeline and they have already published the build week and she expressed concern that not everyone is not in favor of building a new playground. She is genuinely interested in the whole master plan not just HoPP. HoPP has a MOU with the City; time is of the essence with their project. She wanted to plug one last time for something tangible; something to make that park stand out; remember that they have the masses that are coming together to build this playground.

Ms. Cox stated that the footprint of the playground has been enlarged to include some of the area in the lower portion nearer the existing shelter in response to Commissioner Lowney's inquiry.

Beth Cumming, city resident, commented that Parks and Rec voted to accept the Master Plan and the B2 site plan and she felt that the B2 plan needed to be altered severely. She has spent numerous hours at the park during the height of the little league season and the most cars she counted was 85, so the parking lots can be made smaller. She also mentioned that the City has some sort of ecological plan where they are trying to be more ecologically sensitive and areas should be designated for compact vehicles.

Excerpt of the January 19, 2012 Meeting Minutes:

B. Review and Recommendation on a Request for Additional Monies Submitted by Homer Playground Project (HoPP)

Chair Bremicker introduced the item by title and opened the floor for discussion.

LILLIBRIDGE/LOWNEY – MOVED TO RECOMMEND THAT THE PARKS AND RECREATION ADVISORY COMMISSION APPROVE THE FULL REQUEST FOR \$50,000 FROM HOPP SO THE KAREN HORNADAY PARK PLAYGROUND CAN BE BUILT THIS YEAR AS PROPOSED.

Discussion ensued on submitting recommendations piece-meal to Council and then getting it remanded back because Council did not understand; withholding a recommendation to support the HoPP request would possibly delay the start of the project this year; approving the request will not impede further recommendations to Council on how to spend the remaining funds; the implication that the Commission recommended \$50,000 to be used in preliminary engineering and this money was not spent as it was accomplished in house by Mr. Meyer so those funds could be used to fund the playground request; completing this playground would encourage possible funding in the future from other sources.

After consultation and deliberation on the best possible path staff recommended submitting a recommendation to council to amend the project budget approving the request for an additional \$50,000 to be allocated to HoPP for the project. An ordinance could be introduced and on the agenda for first reading at the February 13, 2012 Council meeting and then on the February 27, 2012 Council meeting the second and final reading and approval. It was noted that even if it was delayed to the first meeting in March it would be timely for HoPP to receive the funding for material purchase requirements.

Staff stated that in the memorandum to Council the Commission can include the concerns they have with future recommendations on disbursement of the remaining funds for the project.

Chair Bremicker wanted to amend the motion to include that the commission is working on amendments to allocate funding to other groups or similar wording.

Staff stated that a straight forward ordinance will be submitted if the Commission approves the request for the \$50,000 and they will add to the ordinance that future amendments to the project budget will be able to be done by resolution. Staff was asked to read the amended motion with the new information.

Chair Bremicker called for a break at 7:05 p.m. The meeting was reconvened at 7:10 p.m.

Ms. Krause read the new amended motion into the record.

LILLIBRIDGE/LOWNEY-MOVED THAT THE PARKS AND RECREATION ADVISORY COMMISSION SUPPORTS THE REQUEST FROM THE HOMER PLAYGROUND PROJECT (HoPP) FOR AN ADDITIONAL \$50,000.00 AND FURTHER RECOMMENDS THAT ADDITIONAL BUDGETARY AMENDMENTS FOR PHASE I IMPROVEMENTS TO KAREN HORNADAY PARK BE ALLOWED BY RESOLUTION.

There was no discussion.

VOTE. YES. LILLIBRIDGE, BRANN, LOWNEY, ARCHIBALD, BREMICKER.

Motion carried.

Commissioner Archibald and Chair Bremicker commented on looking forward to working with the interested groups and that this will result in a forward motion on implementing the Master Plan that many individuals worked on.



P.O. Box 1498, Homer, AK 99603 • HomerPlayground@gmail.com
www.HomerPlaygroundProject.org

January 15, 2012

Dear Parks and Recreation Advisory Commissioners,

We are writing to urge you to support HoPP's request for \$50,000 of Karen Hornaday Park funds. Here are a few reasons why:

- **This \$50,000 investment in the new playground will yield a return of 750%.** That is, HoPP will bring to the park—in cash, volunteer labor (both professional level and unskilled) and donated materials—an additional \$375,000. City of Homer support will tangibly illustrate local investment for the new playground, and help us leverage additional funds, including a grant from the Rasmuson Foundation.
- **This support will ensure we can maintain project momentum and Build Week dates of May 21 – 27, 2012.** We can put this support to work immediately ordering materials that will take a long time to get here. Without this support, we might have to delay Build Week and possibly miss the 2012 spring/summer building season altogether.
- **Hundreds of volunteers and partners are counting on this project.** We have recruited hundreds of volunteers and partner businesses/organizations to participate in this project.
- **The new playground will get hundreds of individuals, families, businesses, and organizations invested in Karen Hornaday Park for the long term.** Imagine Wells Fargo employees—in company t-shirts—working the same Build Week shift to assemble a slide. Picture a dozen Girl Scouts moving wood chips. Imagine a corps of skilled Build Week “captains” who have given a week of their time to supervise other volunteers in building the playground. And plaques on most pieces of play equipment that recognize specific businesses, organizations, and individual sponsors. These are some of the individuals and entities that will have a stake in the long-term up-keep of the playground and in the fate of the park as a whole.

continued

- **This highly visible, fun, and successful project will be a chance for the Parks and Recreation Advisory Commission—and park and recreation issues in general—to get the attention they deserve in our community.**

HoPP's Fundraising Plan

Attached please find a brief version of HoPP's fundraising plan. HoPP's \$50,000 request represents 23% of our total budget—but only 12% of the total value of the project. HoPP's Fundraising Committee (chaired by Angie Newby and Erica Marley) is firing on all cylinders right now. We are submitting multiple corporate and business requests each week, planning fundraising events in February and March, actively seeking sponsors of individual play equipment, and preparing a \$25,000 request to the Rasmuson Foundation. If we do not raise the full budget amount, we will likely scale back the project—reducing the number of play components, etc.

HoPP's Commitment to the Master Plan and Long-Term Park Involvement

Most of us got involved in the playground project because we spend time in Karen Hornaday Park with our kids. We want to help make the park a better place to be and play. HoPP sees the new playground as a catalyst for other park improvements in the Master Plan. What better way to gain community support and political traction for additional improvements in Karen Hornaday Park than to carry out a very visible, tangible, and successful project that brings our community together? In addition, HoPP has a contact list of about 300 individuals and families (this list will likely double—or nearly so—before the project is over) that can be used to leverage additional support from the State of Alaska and other sources.

HoPP is also very supportive of the following initiatives being pursued by the Karen Hornaday Park Committee and/or City: Campground Host, Adopt-A-Park, and Annual Park Maintenance Day(s). We will look to leadership from the Committee on how HoPP can assist with these programs. And again, we will have hundreds of contacts of people invested in the park who may also want to get involved.

Conclusion

Thank you for considering HoPP's request and for the support you've already shown the Homer Playground Project. Do not hesitate to contact us at (Miranda: 299-5550; mirandaweiss@gmail.com) or (Deb: 299-1516; debdcox@mac.com).

Sincerely,

Miranda Weiss & Deb Cox, HoPP Co-Chairs & the whole HoPP crew

HoPP Fundraising Plan January 2012

| Expense | Spent to Date | Notes |
|----------------------|----------------|---|
| Materials & Shipping | 159,500 | |
| Contract | 33,000 | 3,050 Play By Design (includes 3 site visits, Build Week, etc.) |
| Events | 2,500 | 800 |
| Cost of Goods Sold | 2,500 | 2,500 Cost of purchasing t-shirts, etc. |
| Advertising | 1,000 | 400 |
| Supplies | 1,500 | 750 |
| Contingency | 20,000 | 10% of project budget |
| Total Expense | 220,000 | 7,500 |

| Income | Raised to Date | Left to Raise | Notes |
|----------------------------|----------------|---------------|---|
| Individual donations | 34,500 | 11,000 | 23,500 Component sales, direct asks |
| Business & Corporate | 45,000 | 19,000 | 26,000 BP, Petro Marine, ConocoPhillips, Wells Fargo, FNBA, etc. |
| City of Homer | 55,000 | 5,000 | 50,000 |
| Foundation grants | 38,500 | 7,500 | 31,000 including Rasmuson, Homer Fdn |
| Events | 16,000 | 6,570 | 9,430 donations/sales at events, ticket sales, auction bids, etc. |
| Picket Sales | 20,000 | 5,520 | 14,480 400 pickets x \$50 per picket |
| Organizations/Associations | 9,500 | 5,250 | 4,250 COTR, Kach Board of Realtors, SPH Fdn Board, Rotary Groups |
| Other Sales | 1,500 | 768 | 732 t-shirts, hoodies, coffee, kids cards, other merchandise |
| Total Income* | 220,000 | 60,608 | 159,392 |

*Original project budget increased by 10% contingency cost as advised by HoPP volunteer/contractor Todd Steiner, Steiner's North Star Construction.

Pending Requests: \$81,950

City of Homer--\$50,000
 ConocoPhillips--\$10,000
 Wells Fargo--\$10,000

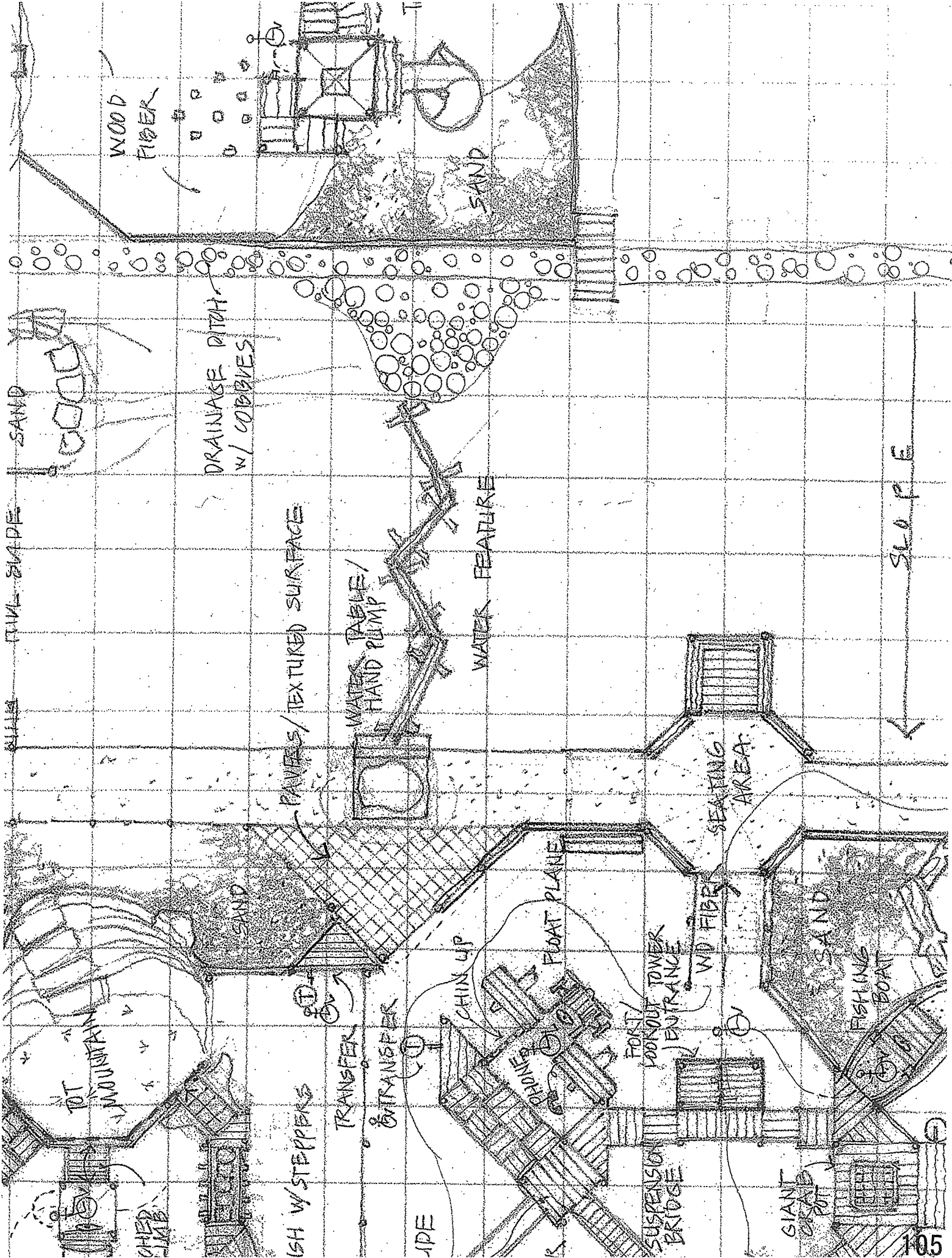
Tesoro--\$3,750
 HilCorp--\$2,500
 Kach Board of Realtors--\$3,200
 South Pen Hospital Board--\$2,500

Upcoming \$5,000+ Grant Requests: \$31,000

Rasmuson Foundation--\$25,000/Jan 2012
 Homer Foundation--\$6,000/Feb 2012

Other Fundraising Notes

Component Sales & Picket Sales--ongoing
 Corporate asks--ongoing
 Individual donation asks--ongoing
 Events--ask dinner in March at Homestead Restaurant; goal: \$10,000



Renee Krause

From: Christy Newell <christy.j.newell@gmail.com>
Sent: Wednesday, January 11, 2012 9:24 PM
To: Renee Krause
Subject: Karen Hornaday Park improvements

I am writing to encourage you to vote for the \$50,000 to be given to Homer Playground Project to build the new playground at Karen Hornaday Park this spring. We are a family new to the Homer community this past summer, and we have two children ages 6 and 4. We live very close to the park but have only used it once, due to the current state of the playground. Many of the structures there are too large or in such disrepair that my small children are not able to climb them. Coming from a community with several fantastic playgrounds, our family was very disappointed to see the state of the largest playground in Homer.

Playgrounds are a place to meet new friends, learn new skills, conquer childhood fears and stretch the imagination. I would like to see more than the requested \$50,000 given to the rebuilding of the playground. It is at a city-owned park, so why is the city not getting more involved financially? I think it is fabulous that the parents and other community members have put so much of their own time into this project, and the city needs to step up its support.

Thank you,
Christy Newell
<http://www.etsy.com/shop/aamelia>

Renee Krause

From: Will Files <will@wfiles.us>
Sent: Thursday, January 12, 2012 7:20 AM
To: Renee Krause
Cc: mirandweiss@gmail.com
Subject: Karen Hornaday Park rebuild

Hello Renee,

I live in Kachemak City, but do a lot of business in the City of Homer. It is the recreational potential that draws people to Homer, AND keeps them there. The multi-use park is a showcase for what Homer has to offer. As parents are using one part of the park, kids need their own place. This is a prime place to bring visitors, both for the view and for the fun. When people have a positive Homer experience, the economic benefit is measured at the stores, on the Spit, with charters on the Bay, and in the myriad non-profit venues such as the Pratt, the IOVC, Center for Alaskan Coastal Studies, and the Land Trust.

I would heartily support the City of Homer's contribution of \$50,000 from the Parks and Rec budget to the rebuild of the play area at Karen Hornaday Park.

My grandkids loved the park when they were in Homer last summer. An investment in Karen Hornaday Park is banking on the future of our youth.

Regards,

Will

Will Files
59835 Tern Ct
Homer, AK 99603
907 299-2990

Renee Krause

From: Kat Haber <kathaber@aol.com>
Sent: Thursday, January 12, 2012 8:05 AM
To: Renee Krause
Subject: Please invest in HoPP

It is time to recommit \$50,000 to freshening up our community playground for our kids.

Happy kids, make happy families. When McKenzy was an infant, the park enjoyed a focused effort.

That was 15 years ago. It is time! The community which supports play for the childhoods nurtured

there will enjoy retaining those young people with their humanity fully experienced to become tomorrow's Homer leaders.

Let's give families a reason to say yes to play in our park. This is a small investment today in a forever tomorrow.

Once gone, our children will never again get the chance to relive their play days.

Naturally,



Kat Haber

KatHaber@aol.com | 907.299.2363

Kat Haber

Director, WILD Foundation
Affinity Rep, HaberVision.com
Mentor, TEDxYouth@Homer2012:Let'sPlay! 7-26-12
How I use email.

Renee Krause

From: Vikki Deadrick <vdeadrick@spbhs.org>
Sent: Thursday, January 12, 2012 8:18 AM
To: Renee Krause
Subject: HoPP Playground Project

Importance: High

The City of Homer has \$240,000 available to spend on improvements to Karen Hornaday Park. HoPP has requested \$50,000 of these funds. I actually wish it were more. I feel the HoPP project volunteers should be contracted as if they were part of a Public Works / Capital Project where the City was paying for the HoPP Playground. If this can't happen, the City should be gracious & extend their thanks with the funds necessary (=>\$50,000) to make this happen. The thanks would & will be for all the local businesses & individuals in this City of Homer that are helping HoPP, hence the City of Homer, to make this playground revamp a reality.

My grandson used to use Karen Hornaday Park quite often, for soccer, T-Ball, then baseball, but he enjoyed the playground more than anything, such as it is. We stopped allowing him up there, even with friends, due to the trees above and camping area above that was attracting other activities & other people. The HoPP Plan is fantastic in this respect due to the fencing and borders throughout. Of course, anyone can still come through but with other parents there, being Homer, it would be more than obvious, and we all help each others kids. It takes a village..,

To: Bumpo Bremicker, Chair; Dave Brann; Robert Archibald; Deb Lowney; and Tricia Lillibridge, the volunteers who make up the Parks and Rec Commission. You will be making a decision about whether to support HoPP's request at your next meeting (Thursday January 19th). I have bought a picket on this fence I spoke about, for my grandson, who is moving to NJ just 3 days before you make this funding decision. I still plan on being at that playground as much as possible as a Big Sister for BBBS after he leaves. I truly believe the City owes HoPP a minimum of \$50,000 of these funds for Karen Hornaday Park. This playground will be the hallmark of the entire park. I don't believe the fields need \$19,000 in improvements, though the shelter/picnic area could use some of the rest.

Thank you,

Vikki & Don Deadrick

PO Box 3224

Homer, AK 99603

(907) 235-6505

Renee Krause

From: Michael McBride <michael@alaskawildernesslodge.com>
Sent: Thursday, January 12, 2012 9:41 AM
To: Renee Krause
Subject: Playground

Tree-Dave, Ufda-Bumpo, Archi-Bob, Ski-Deb and Tricia,

Thank you for supporting the playground. I'll be there with you, shovel in hand

Michael

--
Diane and Michael McBride
Kachemak Bay Wilderness Lodge
PO Box 956, China Poot Bay
Homer, Alaska 99603 USA

(907)235-8910

Visit Our Web Site www.alaskawildernesslodge.com



From: Corina Hancock <corinaandazul@gmail.com>
Sent: Thursday, January 12, 2012 10:01 AM
To: Renee Krause
Subject: Please Help!!!!

Thank you Homer Parks and Recreation for taking the time to read all of our emails! My name is Corina Hancock and I am part of the Food Committee for the HoPP(Homer Playground Project). I am also a new mother of a 15 month old boy who keeps me busy ever second of the day!!!! I am writing to explain how important it is to have a safe and enjoyable place for Homer children to play outside. Being a mother for the first time has opened my eyes to such new and amazing things. I am learning life all over again through the eyes of my son, and what an experience that is! An Alaskan child has tons of obstacles, from the terrain when learning to walk to the frigid temperatures, but that doesn't stop them. They LOVE to be outside, we live in an enchanting place and I believe the children appreciate it more than the adults at times. Homer desperately needs an updated and safe park for all ages. Karen Hornaday Playground has been deteriorating and there are a lot of unsafe areas and parents are concerned. Please take into consideration the safety and physical health of our children when making your decision for the HoPP. I also believe that the new park will bring more families to participate what the Homer Parks and Recreation has to offer, even families from out of town. I always stop at the wonderful parks in Soldotna, Girdwood, and Anchorage whenever my family heads up north. Thanks again for all you already do for the wonderful town of Homer. Happy New Year! Sincerely, Corina, Camp and Judson Hancock.

Renee Krause

From: Jenny Martin <jenny.martin@bbbsak.org>
Sent: Thursday, January 12, 2012 10:38 AM
To: Renee Krause
Subject: Parks & Rec Commission - support letter

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Parks & Rec Commissioners,

I am writing in support for the needed improvements at Karen Hornaday Park. The main reason is that the equipment that is currently there is damaged, run down and some is unsafe for use.

In addition, improved parks space is a valuable community asset and helps with the developmental growth of our children. As well, it provides a fun and safe place for children to play with their peers, families to come together, and other relationships to build such as those between our Bigs and Littles in our program. Research has been done to show the positive impact recreational play can have on children's developmental and social growth. With so many people including our children being "plugged in" these days, parks provide a motivator to get outside.

In both of my jobs, Big Brothers Big Sisters and also the coordinator of Families First: A Best Beginnings Partnership, we support the need for safe and developmentally appropriate playgrounds and parks for our children and community. We also support the HoPP program and feel their committees have worked diligently and professionally to organize community participation and support and have developed an exceptional plan for improvements.

Thank you for your volunteering for this commission and for working to improvement the quality of life in our community.

--
Sincerely,
Jenny

Jenny Martin
Program Specialist, Homer office

Families First coordinator
907-435-7101

Big Brothers Big Sisters of Alaska
PO Box 1034 • Homer, AK 99603
Tel: [907-235-8391](tel:907-235-8391) Fax: [907-235-8392](tel:907-235-8392)
www.bbbsak.org

January is National Mentoring Month! Join us for: City Council Presentation Jan 9th; Free Ice Skating Jan 14th; Big Appreciation Dinner Jan. 19th; BBBS Movie Night (TBA); email me for more info!

Start Something.™ Donate. Volunteer. Advocate.

Renee Krause

From: angela agosta <angela_agosta@yahoo.com>
Sent: Thursday, January 12, 2012 10:49 AM
To: Renee Krause
Subject: New Playground at Karen Hornaday

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi there,

This note is to express my strong opinion that the Parks and Rec council should SUPPORT the HOPP request for funding from the city.

Our children are worth a stimulating, nurturing, fun, community-based playground. I'm not even a parent (yet!) but find this cause to be near and dear to my heart.

Please support HOPP by requesting the \$50,000 from the City of Homer so that construction can begin as planned.

Thanks!
Angela Agosta
Citizen of Homer

Renee Krause

From: Anne Marie Holen <amholen@me.com>
Sent: Thursday, January 12, 2012 12:42 PM
To: Renee Krause
Subject: Support for new playground at KH Park

Hi Renee,

If you could forward this message to members of the Parks and Recreation Commission, I would appreciate it!

Thanks,

Anne Marie

Dear Parks and Rec Commissioners:

I am writing from the balmy environment of Alpine, Texas, where I have been spending the winter. Although I retired from City of Homer employment in October and left Alaska soon after to help my dad out with some health issues, I am planning to return to Homer in March and I remain interested in various community improvement projects. Parks, recreation, and trails have always been of particular interest.

I am writing to urge your support to complete the proposed new playground at Karen Hornaday Park in late May, as currently planned. I understand that the Homer Playground Project (HoPP) is asking the Parks and Rec Commission to make a recommendation to the City Council to provide \$50,000 from the money currently set aside for improvements to Karen Hornaday Park. My memory is getting a little fuzzy, but I believe there was \$305,000 in that pot of money originally and the City has only approved \$5,000 so far for the playground.

I know there are many needs for improvements at Karen Hornaday Park and \$305,000 isn't enough to accomplish all of them - or even come close. What the playground project has going for it is that it is already designed, "shovel-ready," it has a lot of momentum and a huge amount of volunteer/community support, and with a big boost from the Parks & Rec Commission/City of Homer, it will actually happen and Homer's kids and families will have an incredible new playground to use this coming summer!

An additional \$50,000 from the City represents only a fraction of the KH Park improvement fund but I suspect it would make all the difference in whether the playground actually becomes a reality this summer. Although I don't have kids or grandkids, I really feel that the new playground would benefit the entire community and would help spur further action and involvement to accomplish other parks and recreation improvements in Homer. Wouldn't it be nice to have a really visible, high profile, wildly popular SUCCESS? It is only because of the thousands of volunteer hours coordinated by HoPP that this is possible. It would be a shame not to take advantage of all that energy and volunteer support. A little money will go a long way with the community-build model that HoPP is using.

I know that commissions meet infrequently and it can take a long time to accomplish your work. I hope you will see the need for quick action on this particular issue. Not only does HoPP need to start ordering materials now, it also can use local money (like the \$50,000) to leverage money from other sources (like the Rasmuson Foundation). This is not trivial. As a former grant writer for the City of Homer, I know the challenge of pulling all the pieces together and staying on schedule to take advantage of Homer's short construction season.

Before I close, I want to say how much I appreciate the work of the City's advisory bodies. You are to be commended for the time you volunteer to help make Homer a better place to live.

Best wishes,

Anne Marie Holen
393 Novview Avenue

Renee Krause

From: ciara.cordes@yahoo.com
Sent: Thursday, January 12, 2012 9:44 PM
To: Renee Krause
Subject: What I think

I'm a thirteen year old kid, but I got a Hopp email saying you needed a... Message about why this park is important. I may not be much, but this is what I think.

The reason that the new playground is important to homer is kids, not unlike myself have never had a place like this one, to hang out, or meet with friends. While the current park has provided the essentials, this new one goes above and beyond. Just seeing the looks on the younger children's faces makes you know this is something worth while. While most cities have malls, recreational areas, or playgrounds that children teenagers and parents alike may spend time lounging or doing other thing only capable at an area like Hopp has in mind. Even with the few things in homer we do have, many people, a vast majority of kids, have no place to go while parents or guardians are at work. They have always taught me that a safer environment means people act safer, maybe this is just what homer needs. So to conclude my point, homer needs this park.

Sent from my iPod

Renee Krause

From: Kate Crowley <katepcrowley@gmail.com>
Sent: Friday, January 13, 2012 10:05 AM
To: Renee Krause
Subject: Why a new playground is important to me!

Dear members of the Homer Parks and Recs Commission,

My name is Kate Crowley and I am an active member of HoPP, the Homer Playground Project, a mother of two active boys and a resident of the City of Homer for 14 years. Last May (2011) a bunch of community members and parents began gathering momentum toward what has now turned into the project to rebuild Karen Hornaday Park Playground. I found myself swept into the excitement and vision of this group and feel that the revitalization of the Karen Hornaday Park area is very important to the overall health of Homer as a community. I realize that the funds which you have allocated for the entire Karen Hornaday Park area could also help propel the playground project forward and I am hoping you will decide to help us.

This entire process has been a learning experience. It all began with spending a great deal of time running my kids around up at Karen Hornaday Park and meeting up with friends and family there. Overall, this space is amazing. I have stood up at that park marveling at the view many days and it has given me many reminders of how small our problems are in the overall picture. I have climbed the alders....rolled down the hillsides and splashed in the puddles. Homer has a special place up there tucked into the hillside and I wonder how many people really know it is there.

Besides playing in our own home town, the boys and I have traveled to many other towns in our state and have found some pretty impressive playgrounds and public spaces. Soldotna, Girdwood and Seward all have impressive parks and playgrounds which quickly became the topic of discussion whenever we would be playing at our own parks and playgrounds. I do not wish to sound ungrateful. Even as it stands today, the playground up at Karen Hornaday Park has given my boys and I plenty of marvelous play days. I am aware that Angie and the crew at Public Works has done a great deal of work, especially this past summer, to maintain and repair some of the playground equipment. I would like to say that it is a bit disconcerting to show up to the playground with young kids and have yellow caution tape sectioning off certain parts of the playground that are unsafe. I have met people from out of town who were visiting Homer (either from out of state or from within the state) who were up at our playground running their kids around wondering why this playground was in such disrepair. Truthfully, I would try and explain but the reality is that the equipment is 15 years old and as you all know the entire Park need some attention.

I feel I could be "preaching to the converted" because I know that everyone involved in Parks and Rec knows of the task set here before us so I will not waste any more time trying to convince you that the KHP needs revitalizing. What I will say is that if you could somehow allot the \$50,000 which has been proposed to go to the Homer Playground Project, we will take that and run with it! To be more specific, we will apply it towards our playground project (which has a budget of 200,000-250,000) and together we could build a space which promises to draw young families in by the car load. Once they see the changes being made for the entire Karen Hornaday Park area, they will be hooked. An investment in our project is an investment in the entire Plan for the Karen Hornaday Park area and your money will go far!

The two most important parts of this project to me is to first, have a safe place to bring my kids where they can move and be healthy and happy and second, to make sure Homer does not let a gem of a park get swallowed up by time. I want to feel proud of our spaces and our ethics of taking care of these places. Please help our group build a beautiful playground and most likely you will see the entire Karen Hornaday Park flourish with activity... as it should!

Thank You for your service and consideration,
Kate Crowley

Renee Krause

From: Monte Davis <monte@homer.alaska.org>
Sent: Friday, January 13, 2012 12:08 PM
To: Renee Krause
Subject: Karen Hornaday Park

To Whom It May Concern,

The Homer Chamber of Commerce & Visitor Center, representing over 500 member businesses and individuals would like to express support for HoPP and the exciting changes they are working on for Karen Hornaday Park.

We believe this goes far beyond the obvious connection to quality of life here in Homer. Here at the Visitor Center we send people by the thousands to Karen Hornaday Park annually.

The redesign and upgrades they hope to accomplish will be a boon to our community, economically and spiritually!

Please keep our support in mind when you are making your decisions.

Thank you all for your service to our community!

--

Monte Davis

Executive Director

Homer Chamber of Commerce & Visitor Center

201 Sterling Highway

Homer, AK 99603

907-235-7740

Renee Krause

From: Laura Pomeroy <lpom@xyz.net>
Sent: Saturday, January 14, 2012 9:33 PM
To: Renee Krause
Subject: New Playground

Dear Parks and Rec Commisioners,

I have been working with children in Homer for 10 years, and the single most popular place to spend time has been at Karen Hornaday Park. Ten years ago, the park was a fun place to visit, with funky play structures suited to Homer. However in recent years many of the structures have fallen into disrepair and have even been removed for safety. It is not nearly the playground it used to be. And now I'm a mother of a toddler and realizing just how important outdoor play spaces are. I have driven children all the way to Soldotna just for a chance to spend time in an interesting playground. And how embarrassing it is to have out of town guests with children visit Homer ("the jewel of the peninsula") and have to make excuses for our own worn out playground. Homer really *NEEDS* this new playground and the new design will allow for all ages to enjoy the park. The brevity of this note in no way reflects the depth of my feelings about this matter. I have spent my own time and money supporting this project, to the point where it has interfered with my family life: this is how important I think a new playground is. Please support HoPP's request of \$50,000; supporting outdoor play should be a Parks and Rec Commission main objective.

Thank you for your time.

Sincerely,
Laura Pomeroy

Renee Krause

From: Rebekah Theriot <rebekahas@hotmail.com>
Sent: Sunday, January 15, 2012 7:04 AM
To: Renee Krause
Subject: Funding for new playground

To Homer's Parks and Recreation Advisory Commissioners,

I have lived in Homer for 8 years now but grew up in Kenai. We moved here because we wanted to raise our family here, with a toddler and another on the way, we are vested into this community. I have a profound sense of pride for my town and I feel that we need something more to offer to our kids for a safe and fun place to play.

The Karen.Hornaday Park is a great park that we all agree needs rehabilitation. I feel that the playground needs even more help and an expansion because it is our kids that is the heartbeat of our community. The majority of people that use parks are families and the ones that aren't certainly enjoy watching kids having fun!

Please consider allocating the available funds for the KH Park Rehab toward the exceptional group HOPP for building an exciting playground that we can all be proud of and enjoy for many years to come. Thank you for investing in play for the kids of our community!

Sincerely,
Rebekah and Justin Theriot

Renee Krause

From: tolya stonorov <tolya@stonorovworkshop.com>
Sent: Sunday, January 15, 2012 11:43 AM
To: Renee Krause
Cc: tolya stonorov
Subject: support for Karen Hornaday Park Playground

Dear Renee Krause, Bumppo Bremicker, Dave Brann, Robert Archibald, Deb Lowney and Tricia Lillibridge,

I am writing to express support for the Homer Playground Project. I believe HOPP is an excellent candidate to receive funds from the state grant. As a local architect, I have been involved with the project from its beginning and have donated approximately \$1,000.00 of my design time. Homer is in great need of a revitalized playground and HOPP has successfully motivated much of the community to contribute both time and money to make this happen. They have a highly organized plan of action and are prepared to begin building the playground with the community in May. All they need now is the remaining funds to begin work. I urge you to consider supporting HOPP in their efforts to raise the remaining funds. Homer's youth will thank you.

Sincerely,
Tolya Stonorov

www.stonorovworkshop.com

tolya syril stonorov
stonorov workshop
415.497.7337

Renee Krause

From: Elinor Bacon <ebacon@erbacondevelopment.com>
Sent: Sunday, January 15, 2012 3:58 PM
To: Renee Krause
Subject: Urge funding of the Playground

Renee Krause
Deputy City Clerk
City of Homer, Alaska

Ms. Krause,

As a grandmother of a Homer resident and DC real estate developer I urge maximum funding of the proposed playground.

I have taken my grandson to the playground on several occasions and have been distressed to see the state of disrepair of, from what I understand, the only playground in Homer.

Young children need safe, challenging and welcoming playgrounds for physical activity and social interaction with their peers. Homer has tremendous public assets that serve children, such as your superb library and Islands and Oceans, and needs a playground of the same high caliber. I have been most impressed with the dedicated work of HoPP, to plan, raise money and engage the Homer business community, parents and the broader public in their planning for the renovation of the playground.


This is a most worthy effort and I urge support by the Commissioners of Parks and Recreation.

Sincerely yours,

Elinor R. Bacon



Elinor R. Bacon | E.R. Bacon Development, LLC | 4725 Wisconsin Avenue, NW, Suite 200 | Washington DC 20016 | p - 202-244-3696 | c - 202-309-1010

 Please consider the environment before printing this e-mail.

Renee Krause

From: Amy Alderfer <amyalderfer@yahoo.com>
Sent: Sunday, January 15, 2012 4:45 PM
To: Renee Krause
Subject: Letter of Support - HoPP request

Dear Parks and Recreation Advisory Commissioners -

This letter is written to support the Homer Playground Project's (HoPP) request of \$50,000 to provide crucial funding for the improvements to Karen Hornaday Park. As a mother, I appreciate the opportunity to provide comments on this wonderful project to the Parks and Recreation Advisory Board.

It has truly been an amazing process to watch the development of the HoPP. This grassroots effort has gained a tremendous amount of momentum from our community right from the start. I believe this is because there is an increasing, unmet need for play opportunities for children and young people. By improving the Park it not only improves our wonderful community, but it meets this need for a convenient outdoor experience that provides social benefits to the young families in Homer. Having this play space improves our children's health and gets them outdoors!

For me personally, the improvements mean my family will have access to a Park with safe, innovative playground equipment. With the wonderful location of the park, we can easily walk to play, get outside, and socialize with other families.

Thank-you again for the opportunity to comment and hope to hear of the board's support of the financial request for the HoPP.

Sincerely,
Amy Alderfer
City of Homer resident

Renee Krause

From: Ginger Moore <ginger@kbaywhales.com>
Sent: Sunday, January 15, 2012 4:45 PM
To: Renee Krause
Subject: HOPPS

I am writing in response to support HOPPS . My child has grown up at the Karen Hornaday Park. I am not sure as a single parent how I would have gotten through his childhood without that park. We need a new playground, the current condition of the park is declining and becoming not safe for children. In addition the park needs to be suitable for all ages. Currently the playground equipment is not safe/friendly for younger children who are there playing with their older siblings. I urge those of you to consider voting for support the HOPPS project. Our children need a safe place to play and parents need a safe place to take them.

Thank you

Ginger Moore

ginger@kbaywhales.com

www.kbaywhales.com

Renee Krause

From: Morgan Sicilia <msicilia33@gmail.com>
Sent: Sunday, January 15, 2012 5:07 PM
To: Renee Krause
Subject: To: Commissioners: Bumpo Bremicker, Chair; Dave Brann; Robert Archibald; Deb Lowney; and Tricia Lillibridge.

Dear Commissioners,

I am writing to request that you please consider funding the Karen Hornaday HoPP project to the fullest extent that your budget allows. I have lived in this community for close to a decade now making this home for me and my growing family. Playing outside with my family is a value that I hold close to my heart, and even on the coldest and darkest of times we make an effort to go outside everyday. Having a quality park in town dedicated to creative outdoor play will greatly enhance our lives here in Homer.

The HoPP crew have spent countless hours pulling together community members of all walks to assist in making their vision a reality. This park will be an invaluable asset to families that live in the area as well as the thousands of visitors that visit our "Little Hamlet by the Sea" each year.

Thank you again for considering this project.

Best,

Morgan Sicilia
Mother of a 2 year old with another little one on the way!

Renee Krause

From: Smallpond Childcare <homermum@gmail.com>
Sent: Sunday, January 15, 2012 6:09 PM
To: Renee Krause
Subject: Hopp playground project

Dear parks and rec. commissioners,

Please support the Homer playground project to reinvent Karen Hornaday playground. Hopp has an excellent plan and widespread community support to create this much needed community asset.

Best,

Susannah Webster

Owner, Smallpond Childcare

Renee Krause

From: Cheryl Illg <cherylllg07@gmail.com>
Sent: Sunday, January 15, 2012 10:05 PM
To: Renee Krause
Subject: Homer Playground Project (HoPP)

Dear Parks and Recreation Commissioners members:

I would first like to thank you all for the time and effort you have given to the Parks and Recreation Commission as it is a very important component to the quality of life in our community. Secondly, I would greatly appreciate your consideration in allocating \$50,000 to HoPP for our new playground from the \$240,000 designated for to Karen Hornaday Park improvements. My family and I have greatly enjoyed playing at the new playground in Soldotna and am always amazed by the great number of people using this playground when ever we visit. I would love to recreate this wonderful community feeling here in Homer where families can meet together to enjoy a safe, intact, engaging and beautiful place to play, have a picnic or just connect for **all ages**.

Our current playground is not safe for all ages and is in a state of disrepair as the 15 year old equipment deteriorates. It is time to build new and for a broader user group. There is great momentum in our community to have a new playground built this year. Time is of the essence to keep the momentum going and finish this project in a timely manner. Please help support this community build effort and in turn make one outstanding improvement to Karen Hornaday Park.

Thanks again for your time and consideration! Our community is amazing!

~Cheryl Illg

Homer resident and parent

Renee Krause

From: Jane and Brian Nollar <jnollar72@alaska.net>
Sent: Sunday, January 15, 2012 11:09 PM
To: Renee Krause
Subject: Why I want a new playground in Homer

I am a mother of 2 active young kids. We spend a lot of time at the Karen Hornaday playground. The playground was great when it was originally built but now it is run down and a safety hazard and not age appropriate to young kids. We spend a lot of time outdoors. I want a playground in our community that I can be proud of and that when tourists come to town they can bring their kids to and remember and want to come back. We have nothing like that in Homer.

I feel if we build up the playground you can increase fees for the campground which in turn can spruce up the whole area and can turn this into a recreational day use area that can be full of activity for the whole community.

I hope you will consider donating more to this project for the good of the community.

Thanks

Jane Nollar

jnollar72@alaska.net

=====

Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 9.0.0.888, Virus/Spyware Database: 6.19060)
<http://www.pctools.com>

=====

Renee Krause

From: Kristen Wright <kristennicolew@yahoo.com>
Sent: Sunday, January 15, 2012 11:43 PM
To: Renee Krause
Subject: new playground at karen hornaday

Dear Parks and Rec Commisioners,

Just a quick note to put in a vote in strong favor of helping fund the new playground at Karen Hornaday park. The existing playground is in dire need of alot more than repairs and in fact does not have many features at all for the little tots.

Homer seems to be having a wonderful baby boom over the last couple of years. It is so fantastic to see how many young families are excited to be here and raising their kids here. Lets keep this an exciting place for people to settle. It would be so lovely to see the entire park develop around its smaller entities. Each different aspect growing and improving to keep up with another area.

The other playgrounds that have recently been built around alaska draw such admiration and so many people to play and socialize. With the community minded folks who live in Homer i suspect that our playground can top them all. What an exciting investment!

Thanks for your time and consideration. We are all so looking forward to seeing this park come to life!

Kristen Cook

Renee Krause

From: Allen White <whity_2784@yahoo.com>
Sent: Monday, January 16, 2012 3:31 PM
To: Renee Krause
Subject: HOPPI

HoPP,

We feel that a nice playground is one of the most important things for a city to have because it is a place for the family's with young children to go and spend time together and be active. There are not many other places for family's in homer to enjoy other than the parks. A park is a major part of the community, every family with children in homer goes to the Karen Horniday park to have a good time together and it is getting hard to go there with our kids because it is so run down that it is not safe anymore for kids to play there. It is so important for children of all ages to have a safe, nice and fun place to come together and learn and play and be a community.... HoPP is going to change the lives of so many family's in homer.

Renee Krause

From: Bob Shavelson <bob@inletkeeper.org>
Sent: Monday, January 16, 2012 1:25 PM
To: Renee Krause
Subject: Parks & Rec Committee Letter
Attachments: Hornaday Park Letter - Shavelson.pdf

Hi Renee –

Would you please forward the attached letter to Bumpo and the others on the Parks & Rec. Committee?

Thanks in advance and let me know if questions –

Bob Shavelson

Bob Shavelson
P.O. Box 1498
Homer, AK 99603
907.299.3277
bobshavelson@gmail.com

VIA EMAIL ONLY
(rkrause@ci.homer.ak.us)

January 16, 2012

Bumppo Bremicker, Chair
Parks & Recreation Committee
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

Dear Mr. Chairman:

I'm writing to support the Homer Playground Project (HoPP), and to urge the Homer Parks and Recreation Committee to support \$50,000 in City of Homer funding for the new playground at Hornaday Park (full disclosure: my wife, Miranda Weiss, is HoPP Co-Chair).


I have spent hundreds of hours at Hornaday Park, and I consider it a jewel among the City of Homer's public land assets. At the professional level, I have worked for many years to protect the park and its adjacent waterbody, Woodard Creek.

It's important to make our public lands usable, safe and accessible, and there's a pressing need to revitalize the playground area at Hornaday Park so Homer kids and families can continue to enjoy this special place.

The HoPP group is energetic and motivated, and they're ready to move forward with exciting improvements for Hornaday Park. Your support will be an important reflection of the Parks & Recreation Committee's commitment to our parks and the families who use them.

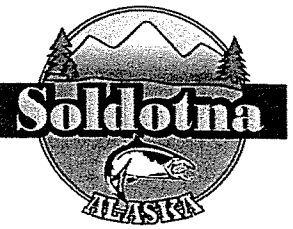
Thank you for considering my comments.

Very truly yours,



Bob Shavelson

Cc: Parks & Recreation Committee Members



Office of the Mayor

December 14, 2011

Dear Mayor Hornaday and Supporters of Homer Families and Youth,

In the interest of supporting the efforts of the Homer Playground Project or HoPP, I'd like to take this opportunity to share the positive experience of creating the Soldotna Community Playground last year.

In 2009, a group of four young mothers approached the City of Soldotna with an interest in improving an aging playground at Soldotna Creek Park. The committee raised \$200,000+ over the winter of 2009/2010, and the park was constructed by over 800 volunteers in six days in May 2010. The benefits to Soldotna became apparent long prior to "build week." Experiencing our community coming together for future generations of Soldotna youth was inspiring, especially considering that 100% of the funds were raised during a challenging economic period. In essence, the City was handed a valuable piece of quality recreational infrastructure that was 100% privately funded and constructed.

Soldotna's business community also rallied enthusiastically around this project. Many businesses chose to sponsor individual play components, and these swings, slides, and climbing structures display these sponsors' names. In the months that followed, sponsors have gotten firsthand reports on what "their" piece of equipment means to local kids.

Since the park's construction, we have observed several unforeseen benefits. Vandalism had been common in the past, but the Soldotna Playground has not experienced a single act of vandalism, which likely can be attributed to a feeling of ownership by the scores of teens who participated in park construction. We've also observed a significant increase in families recreating as a unit and a dramatic increase in the participation of fathers taking their little ones to a playground that also offers full-sized fun for the parent.

My family participated in the development of the park from the first meeting. Although the Micciche family is certainly not wealthy, we sponsored the "Eagle's Nest" tree fort at the park due to belief in a responsibility to invest in our community's future. It seemed costly at the time, but our months observing the joy the park has brought to our community has shown the investment to be a very wise and personally fulfilling choice.

However the effort is not simply about the healthy, active entertainment of children and families. As a mayor, father, and community member, I know that investment in all stages of life is imperative to not only serve today's families, but also to draw talented graduates back into the community where they were raised. Through our support for the Soldotna Community Playground, we have defined our City as one that openly strives to keep balanced demographics that include healthy proportions of everyone from infants to seniors.

I encourage you and the community at large to respond quickly in support of your new playground. It is imperative that HoPP's high energy level be supported financially so that the playground can be constructed in the spring of 2012. Without adequate funding and community participation, another year of playground services will be lost and an incredible project may lose valuable momentum. Supporting HoPP will make Homer a stronger community on levels that will involve everyone from infants to teens, parents to great-grandparents...you will witness a strengthening of families due to the convenience of accessible recreation for every family member at your HoPP playground.

Please take a tour of our Soldotna Community Playground. In fact, feel free to call me at 252-6759 to arrange a personal tour. Thank you for considering actively supporting the Homer Playground Project (HoPP).

With Warm Regards for our Sister City to the South,

A handwritten signature in black ink, appearing to read "A. Micciche".

Mayor Peter A. Micciche
Cell: 907.252.6759; E-mail: mayor@ci.soldotna.ak.us

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-07

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$81,000 from the General Fund Reserve (Fund Balance) to the City Hall Complex Budget for the Purpose of Acquiring New Furniture at City Hall.

Sponsor: City Manager

1. City Council Regular Meeting February 13, 2012 Introduction
 - a. Memorandum 12-023 from City Manager as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-07
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, AMENDING THE FY 2012 OPERATING BUDGET
8 BY APPROPRIATING AND TRANSFERRING \$81,000 FROM
9 THE GENERAL FUND RESERVE (FUND BALANCE) TO THE
10 CITY HALL COMPLEX BUDGET FOR THE PURPOSE OF
11 ACQUIRING NEW FURNITURE AT CITY HALL.
12

13 WHEREAS, The City Hall expansion and renovation project is essentially complete and
14 the project budget contained funds for furniture in the Council Chambers and other public areas;
15 and

16 WHEREAS, There are two public areas which still need to be furnished and several
17 office spaces where the old furniture should be replaced.
18

19 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
20

21 Section 1. The Homer City Council hereby amends the FY 2012 Operating Budget by
22 appropriating and transferring \$81,000 from the General Fund Reserve (Fund Balance) to the
23 City Hall Complex operating budget as follows:
24

25 Appropriation / Transfer From:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-----------------------|---------------|
| 156-375 | General Fund Reserves | \$81,000 |

26
27
28
29 Transfer to:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-------------------------------|---------------|
| 100-140 | City Hall Complex / Equipment | \$81,000 |

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31
32
33 Section 2. This ordinance is a budget amendment ordinance only, is not permanent in
34 nature, and shall not be codified.
35

36 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
37 _____, 2012.
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CITY OF HOMER

JAMES C. HORNADAY, MAYOR

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ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

MEMORANDUM 12-023

TO: Mayor Hornaday and Homer City Council

FROM: Walt Wrede

DATE: February 7, 2012

SUBJECT: City Hall Furnishings

The City Hall expansion and renovation project is essentially complete. The project budget contained funds to replace some or all of the furniture in the Council Chambers and other public areas such as the waiting area and conference room on the second floor. There are several other public areas which need to be furnished. Those areas include the lobby on the first floor and the reception and meeting areas in the administration office. There are a number of relatively minor items which are needed also including shelving and cabinets for storage areas, blinds, entry mats to protect new carpets, and internal directional signage. Finally, there are several offices in which the furniture should be replaced.

We are not proposing to replace all of the office furniture in every office. City Hall personnel are using the old furniture for the most part. Most of it is very old but still functional. The staff have done a great job trading furniture and moving it around to better suit the new office layout and configuration. However, some desks should be replaced because they are broken, unsafe, or targeted for replacement by the insurance company ergonomic specialist. One staff person has furniture that does not fit her new space. In all, this budget contains 9 new desks and a new reception area counter in the administration office.

We had originally planned to purchase half of these furnishings (about \$45,000) using unspent year-end money from FY 2011. We informed the Council of our intent. In the end, we were not able to do that because the furniture would not have arrived in time to meet auditing standards. So, that money simply lapsed into the General Fund Reserve / Balance and we are now proposing to spend it this year rather than in 2011.

RECOMMENDATION: Introduce and Adopt Ordinance 12-07.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-08

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for FY 2009 and FY 2010 in the Amount of \$35,512.50, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting February 13, 2012 Introduction
 - a. Letter from City Manager Wrede to KPB Mayor Carey re: 2009 and 2010 CVT
 - b. KPB Ordinance 2011-19-25
 - c. KPB Grant Agreement

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 12-08

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A COMMERCIAL VESSEL PASSENGER TAX PROGRAM PASS THROUGH GRANT FROM THE KENAI PENINSULA BOROUGH FOR FY 2009 AND FY 2010 IN THE AMOUNT OF \$35,512.50, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The State of Alaska collects revenues under the Commercial Vessel Passenger Tax Program and remits proceeds to boroughs which contain ports where cruise ships land; and

WHEREAS, The Kenai Peninsula Borough has received such funds for FY 2009 and FY 2010 and decided to pass those revenues through to Homer and Seward; the communities where cruise ships land and utilize local infrastructure and services; and

WHEREAS, The Borough Assembly adopted KPB Ordinance 2011-19-25 which appropriated funds and authorized a pass through grant to the City of Homer in the amount of \$35,512.50.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a Commercial Vessel Passenger Tax Program pass through grant from the Kenai Peninsula Borough for FY 2009 and FY 2010 in the amount of \$35,512.50 as follows:

Appropriation:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--|---------------|
| 460-927 | KPB CVPT Pass Through Grant FY 09 and 10 | \$35,512.50 |

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. This ordinance is a budget ordinance only, is not permanent, and shall not be codified.

41 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
42 _____, 2012.

43
44 CITY OF HOMER

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46 _____
47 JAMES C. HORNADAY, MAYOR

48 ATTEST:

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50 _____
51 JO JOHNSON, CMC, CITY CLERK

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53 YES:

54 NO:

55 ABSTAIN:

56 ABSENT:

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58 First Reading:

59 Public Hearing:

60 Second Reading:

61 Effective Date:

62
63 Reviewed and approved as to form:

64
65
66 _____
67 Walt E. Wrede, City Manager

68
69 _____
70 Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



City of Homer

City Manager

491 East Pioneer Avenue
Homer, Alaska 99603
907-235-8121, X-2222

Fax (907) 235-3148 E-mail: wwrede@ci.homer.ak.us Web Site: www.ci.homer.ak.us

September 29, 2011

Mayor David Carey
Kenai Peninsula Borough

SUBJECT: 2009 AND 2010 CVT

Dear Mayor Carey:

I am writing to confirm that the City of Homer wishes to receive 2009 and 2010 Cruise Vessel Tax receipts from the Borough. The City understands that you are sponsoring an Ordinance that would make the Borough's share of this tax for vessel landings in Homer available to the City. The City appreciates that and understands that the amount for these two calendar years is \$35,512.50.

The City of Homer recognizes that these funds must be used for port and harbor improvements that benefit cruise ship passengers and will comply with the provisions contained in AS 43.52.200-298, SB 256, and HB 310. The funds will be used for port and harbor improvements that include a cruise ship staging area and restroom and a pedestrian trail and amenities around the east side of the harbor which connects with the Spit Trail.

Thanks for your time and consideration. Please do not hesitate to contact us if you have any questions.

Sincerely,

Walt Wrede
City Manager

| | |
|----------------|--------------------------|
| Introduced by: | Mayor |
| Date: | 10/11/11 |
| Hearing: | 12/06/11 |
| Action: | Postponed Until 01/17/12 |
| Date: | 01/17/12 |
| Action: | Enacted |
| Vote: | 7 Yes, 0 No, 2 Absent |

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-19-25**

AN ORDINANCE ACCEPTING AND APPROPRIATING CRUISE SHIP PASSENGER TAX PROCEEDS RECEIVED FROM THE STATE OF ALASKA IN THE AMOUNT OF \$797,217.50 AND ALLOCATING \$761,705 TO THE CITY OF SEWARD AND \$35,512.50 TO THE CITY OF HOMER

WHEREAS, in the August 22, 2006, State of Alaska election, Alaska voters approved the initiative in Ballot Measure 2, enacting AS 43.52.200 – 43.52.295, which imposed a tax on travel aboard certain cruise ships travelling in Alaska waters; and

WHEREAS, the Alaska legislature has authorized sharing of Commercial Passenger Vessel (CPV) excise tax collections with eligible ports of call in the State; and

WHEREAS, CPV excise tax collections are derived from taxes imposed on cruise ship passengers; and

WHEREAS, the City of Seward and the City of Homer are eligible ports of call for receiving CPV funds; and

WHEREAS, when the eligible ports of call are cities located in a borough then the cities and the borough each received \$2.50 for each passenger; and

WHEREAS, the total amount received by the borough from the State of Alaska for the 2009 and 2010 calendar CPV programs was \$797,217.50; and

WHEREAS, the City of Seward and City of Homer have requested that funds received by the borough that are derived from cruise ship passengers in each city be appropriated to each city for port improvement projects; and

WHEREAS, the intended use of these funds by the cities of Seward and Homer will comply with AS 43.52.230(b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels;


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

SECTION 1. That the mayor is authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That \$797,217.50 received from the State of Alaska in FY2010 and FY2011 for the commercial passenger vessel excise tax collection program be appropriated from the miscellaneous grant fund fund balance to account 271.94910.11CPV. 43011 contract services, for payment to the City of Seward in the amount of \$761,705.00 and to the City of Homer in the amount of \$35,512.50 to be used for port improvement projects.

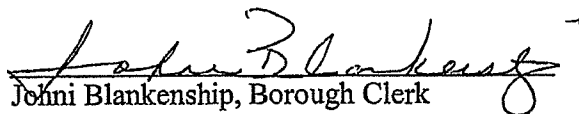
SECTION 3. This ordinance shall become effective immediately upon enactment.

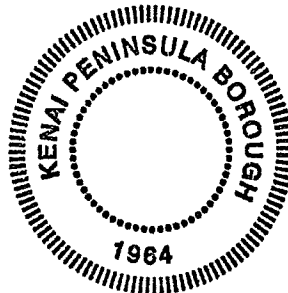
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF FEBURARY, 2012.



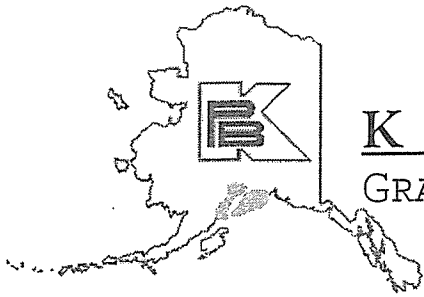
Gary Knopp, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith
No: None
Absent: Tauriainen, Knopp



KENAI PENINSULA BOROUGH

GRANT AGREEMENT

| | | | |
|---|---|--|---|
| Total Grant Funds \$35,512.50 | Authorizing Ordinance O2011-19-25 | KPB Account Number 271.94910.11CPV.43011 | Total Grant Award \$35,512.50 |
|---|---|--|---|

| | |
|---|--------------------------------|
| Project Title Commercial Vessel Passenger Tax Program | Funding Source State |
|---|--------------------------------|

| Grantee | | Borough Contact Person | |
|---|--|--|------------------------|
| Name City of Homer | DUNS# 040171563 EIN# 92-0030963 | Name Brenda Ahlberg, Community & Fiscal Projects Manager | |
| Mailing Address 491 E. Pioneer Avenue | | Mailing Address 144 N. Binkley Street | |
| City/State/Zip Homer AK 99603 | | City/State/Zip Soldotna, AK 99669 | |
| Contact Person Walt Wrede, City Manager | | Email bahlberg@borough.kenai.ak.us | |
| Phone 235-8121 | Fax 235-3148 | Phone 714-2153 | Fax 714-2377 |

The Kenai Peninsula Borough (*hereinafter* "Borough") and City of Homer (*hereinafter* "Grantee") agree as set forth herein.

Section I: The Borough shall pay Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this agreement. In no event shall the payment exceed \$35,512.50.

Section II: The Grantee shall perform all of the work required by this agreement.

Section III: The work to be performed under this agreement begins 01/17/2012 and shall be completed no later than 06/30/2013.

Section IV: the agreement consists of this page and the following attachments:

- A. Scope of Work and Use of Funds
 - Payment Method and Reporting Requirements
 - Standard Provisions
 - B. Financial/Progress Report
 - C. Signature Authorization Form
- Certificate(s) of Insurance – *provided by Grantee*

Section V: The Borough Clerk shall control the original, including any attachments filed.

| Grantee | Borough |
|--|---|
| Signature: _____ | Signature: _____ |
| Authorized Signatory Name and Title Walt Wrede, City Manager | Authorized Signatory Name and Title Mike Navarre, Mayor |
| Date: _____ | Date: _____ |
| | Attest: Johni Blankenship, Borough Clerk |

Approved as to form and legal sufficiency:

Holly Montague, Deputy Borough Attorney

FY12 KPB Grant Agreement:

City of Homer - Commercial Vessel Passenger Tax Program

Scope of Work and Use of Funds

Project Description: The purpose of this Borough Grant is to provide funding through the State of Alaska Commercial Vessel Passenger Tax Program, *hereinafter* referred to as CVPT, to the City of Homer, *hereinafter* referred to as “grantee.” The Grantee will use the funds for port and harbor projects impacted by cruise ship landings as governed by the Alaska Statutes (see “Source of Funds, page 2).

Project Management

1. The project will be managed by the grantee.
2. The City Manager, or such other person(s) as indicated on Attachment C, shall be designated as the representative to receive or make all communications regarding the performance or administration of this agreement. The Borough Community & Fiscal Projects Manager, or such other person(s) as designated by the Borough Mayor, is hereby designated as the representative of the Borough to receive or make all communications, payment requests, and reports regarding the performance or administration of this agreement, and who approves payment under this agreement. The parties may change their representative upon written notification to the other party.

Key Contact Information

Brenda Ahlberg, Community & Fiscal Projects
714-2153 • bahlberg@borough.kenai.ak.us Kenai Peninsula Borough
144 N. Binkley St.
Soldotna AK 99669

Project Approval

The Assembly approved and appropriated CVPT funds from calendar years 2009 and 2010 in the amount of \$35,512.50 to the grantee through KPB Ordinance 2011-19-25. Grantee shall cite KPB account number **271.94910.11CPV.43011** in correspondence and reporting forms.

Grant funds, or any earnings there from, may be spent only for the purposes of the grant project as described above. Any monies used for purposes not authorized by this agreement shall be refunded to the Borough immediately after such expenditures, with or without demand by the Borough. Request to amend the budget shall be submitted to the Community & Fiscal Projects Manager no less than ninety (90) days prior to performance period end date.

Project Performance Period

Period: The performance period shall be effective for the period commencing on January 17, 2012 and ending on June 30, 2013. The grantee must liquidate all obligations not later than June 30, 2013. The Borough shall have no obligation for payment of services rendered by the grantee which are not performed within this specified period.

Request to Extend: Any determination to extend the project performance period is solely at the discretion of the Borough. A request to amend the performance period should be submitted not later than ninety (90) days prior to the established end date.

Funding

1. Source of Funds:
 - a. This project is being funded in full through the State of Alaska Department of Commerce, Community & Economic Development, "Commercial Vessel Passenger Tax Program" (CVPT) as governed by AS 43.52.200 - 43.52.295.
 - b. All unexpended grant funds as of the end of the grant period must be returned to the Borough. Funds will be considered obligated if they have actually been expended or encumbered prior to the end date of the performance period.
2. Condition for Receipt of Funds: The grantee shall comply with AS 43.52.230 (b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels.
3. Funds, or earnings there from, shall not be expended for the purposes of lobbying activities before the Borough Assembly, the Alaska State Legislature or U.S. Congress.

Payment Terms and Reporting Requirements

1. Payments:
 - a. The Grantee will be compensated for up to and not exceeded \$35,512.50 as determined by the State of Alaska for projects identified in the City of Homer's request letter dated September 29, 2011 and approved by Kenai Peninsula Borough Ordinance 2011-19-25.
 - b. Under no circumstances will funds be released to the Grantee unless all required reporting is current.
2. Reporting Requirements:
 - a. The Borough's approval of the proposed expenditures shall not be construed to mean that the Borough is liable in any manner whatsoever if it is determined by an agency or court of competent jurisdiction that the city's project does not satisfy the statutory criteria.
 - b. Upon completion of the projects, but no later than thirty days thereafter the agreement end date, the grantee shall provide a detailed written report to the Borough administration and assembly, explaining the use of these funds and their compliance with statutory requirements.

- c. The Grantee agrees to refund any such amounts, including principal, interest, costs, fees, fines, or other charges, if it is determined by a court of competent jurisdiction that the grantee's expenditure of the funds does not meet the statutory criteria.
- d. This agreement is not to be construed as entitlement to city receiving the future allocation of the borough's CVPT.
- e. Failure to meet the reporting requirements set forth in this agreement may result in the borough withholding future allocations of the borough's grant of CVPT funds.

Mail OR Email Narrative and Fiscal Reports to:

Brenda Ahlberg, Community & Fiscal Projects Manager
 Kenai Peninsula Borough
 144 N. Binkley St., Soldotna AK 99669
 (907) 714-2153 • bahlberg@borough.kenai.ak.us

Standards for Financial Management

Financial Management System:

1. The grantee will maintain an accounting system and a set of accounting records that at a minimum, allows for the identification of individual projects by source of revenue and expenditures related to this project.
2. All costs will be supported by source documentation. Grantee shall retain all contracts, invoices, materials, payrolls, personnel records, conditions of employment, and other data relating to matters covered by this agreement for a period of three years after the completion date of the agreement, or until final resolution of any audit findings, claims, or litigation related to the grant.
3. The grantee's accounting records will be the basis for generating financial reports which must reflect accurate and complete data. In addition, financial records must be properly closed out at the end of the project period and all reports submitted in a timely manner.

Procurement Standards

The Grantee agrees to use a competitive process when making procurements for goods and services. These standards include but are not limited to the following:

1. Grantee may use its own procurement policies provided that they adhere to the applicable standards;
2. Grantee shall maintain a code of conduct which shall govern the performance of its officers, employees or agents in contracting with or expending grant funds; and
3. All procurement transactions shall be conducted in a manner so as to provide for maximum open and free competition.

Audits and Monitoring

Audits:

1. Provisions of 2 AAC 45.010 shall apply to a Borough Grantee receiving a grant of \$100,000 or more from the Borough. An audit in compliance with 2 AAC 45.010 shall be

required on the performance of the grant conditions. Such audit report shall be due to the Borough no later than 30 days after the audit is completed, or 6 months after the expiration of the grant, whichever is sooner. A copy of a federal single audit report may be submitted to fulfill the requirements of this section.

2. An annual audited financial statement, certified by a Certified Public Accountant, shall be submitted by a Borough Grantee receiving a grant less than \$100,000 from the Borough. Such financial statement shall be due no later than 6 months from the termination of this agreement.
3. Grantees receiving less than \$100,000 from the Borough and receiving payments on a reimbursable basis are exempt from the audit requirements.

Monitoring:

1. The grantee may receive an on-site review from the Borough, or its authorized representatives, in addition to reviews from State of Alaska personnel representing the AK Department of Commerce, Community & Economic Development. Monitoring staff may review project and financial activity relating to the terms of this agreement. Upon request, the Borough shall be given full and complete access to all information related to the performance period of this agreement to ensure compliance with the project activities and consistently applied costs.
2. The grantee shall provide the Borough and its authorized representatives all technical staff, assistance and information needed to enable the Borough or the State personnel to perform its monitoring function. This assistance from the grantee includes, but is not limited to, information about the grantee's project operation, accounting and data-base systems.

Program and Financial Deficiencies:

1. Through audits, reviews, monitoring or other means, the Borough may find the grantee to have program or financial deficiencies in the performance of the agreement. Such deficiencies may include, but are not limited to, the areas of accounting, financial controls, budgeting, and/or project compliance issues. If deficiencies are found, the Borough may require the grantee to take corrective action and to submit a written corrective action plan to address identified deficiencies. All corrective action plans must be accepted by the Borough or its authorized representatives. Any corrective action must be satisfactorily completed within thirty days from the date of written notification.
2. The Borough, in its sole discretion, may require the grantee to submit periodic written verification that measures have been taken to implement the corrective action. If the grantee fails to demonstrate its compliance with the approved corrective action plan within the time constraints set by the Borough, the Borough may, at its option, exercise its rights to terminate the agreement. The Borough may exercise any of the other rights and remedies available to it at law or in equity.

Standard Provisions

1. **No Maintenance or Further Funding Responsibility:** By signing this agreement, grantee certifies that it will not ask the Borough to operate or maintain its program, except as may be otherwise agreed to in writing signed by both parties. Grantee understands, acknowledges and agrees that the Borough shall not be responsible for any services, programs, maintenance, operations, or further funding to grantee, or actions related thereto, and has not,

and will not assume any such responsibility, all of such to be the sole and exclusive responsibility of grantee.

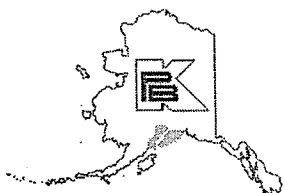
2. **Defense and Indemnification:** The Grantee shall indemnify, defend, save and hold the Borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from grantee or grantee's officers, agents, employees, partners, attorneys and suppliers' performance or failure to perform this agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the Borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, grantee shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the Borough, its agents, or employees. Grantee shall also not be required to defend or indemnify the Borough for damage or loss that has been found to be attributed to an independent party directly responsible to the Borough under separate written contract. If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain in full force and effect.
3. **Insurance:** Grantee shall purchase at its own expense and maintain in force at all times during the term of this agreement Commercial General Liability and Automobile Insurance. Such policies are to include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by grantee in which coverage shall not be less than \$1,000,000 per occurrence or such higher coverage as specified by the Borough. The policy shall name the Borough as an additional insured. Borough approval shall be required for the amount of any deductible or self-insured retention.

Additionally, grantee shall purchase and maintain at its own expense worker's compensation and employers liability insurance for all employees per Alaska State Statutes who are performing work under this agreement.

Proof of Insurance: *Grantee shall deliver to the Borough certificates of insurance along with grantee's signature on this agreement.* The certificates shall indicate the Borough as an additional insured. This insurance shall be primary and exclusive of any other insurance by the Borough. Failure to provide the certificate of insurance required by this section, or a lapse in coverage, is a material breach of the terms of this agreement entitling the Borough to terminate this agreement.

4. **Relationship of Parties:** Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein, nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Borough and independent grantee of funds.
5. **No Exclusive Service; No Property Interest:** The grantee understands, acknowledges and agrees that all supplies, materials and equipment purchased with the grant funds shall be and shall remain the property of the grantee, subject to all applicable State statutes and Federal regulations.

6. **Termination.** The Borough may terminate this agreement, by written notice, when it is in the best interest of the Borough. In the event that grantee does not perform the tasks as required in this agreement, or does not submit any required reports for verification of performance, the Borough may exercise its option to terminate this agreement.
7. **Permits, Taxes and Adherence to Local, State, and Federal Laws:** Signing of this agreement does not, in any manner, excuse grantee from complying with any other law, Alaska state statute or regulation, or Borough ordinance or regulation. Grantee must in all cases adhere to all local, state and federal laws and regulations that pertain to public funds, to the services performed pursuant to this agreement, and related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, permits, and registration requirements. Grantee shall pay all taxes pertaining to its performance under this agreement, and shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this agreement.
8. **Jurisdiction; Choice of Law:** Any civil action arising from this agreement shall be brought in the superior court for the Third Judicial District of the State of Alaska at Kenai. The law of the State of Alaska shall govern the rights and obligations of the parties.
9. **Non-Waiver:** The failure of the Borough at any time to enforce a provision of this agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this agreement or any part thereof, or the right of the Borough thereafter to enforce each and every protection hereof. No conditions or provisions of this grant agreement can be waived unless approved by the Borough in writing. Waiver by the Borough of any non-compliance by grantee, or excusing or extending performance, shall not be considered a waiver of any other rights of the Borough or a waiver of the right to terminate in the event of future breaches.
10. **No Third-Party Beneficiary:** This agreement is intended solely for the benefit of each party hereto. Nothing contained herein shall be construed or deemed to confer any benefit or right upon any third party.
11. **Environmental Requirements:** The grantee must comply with all environmental standards, to include those prescribed under State of Alaska and Federal statutes and Executive Orders.
12. **Entire Agreement:** This agreement represents the entire and integrated agreement between the Borough and grantee, and supersedes all prior, inconsistent negotiations, representations or agreements, whether written or oral. This agreement may be amended only by written instrument signed by both the Borough and grantee.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7599
 PHONE: (907) 714-2153 • FAX: (907) 714-2377
 EMAIL: bahlberg@borough.kenai.ak.us

FROM: City of Homer
KPB ACCOUNT: 271.94910.11CPV.43011

Contract Amount: \$35,512.50
Ending: 06/30/2013

Financial / Progress Report

Submit Report To:

Brenda Ahlberg
 Community & Fiscal Projects Manager
 Kenai Peninsula Borough
 144 N. Binkley St., Soldotna, AK 99669

Project Name: Commercial Vessel Passenger Tax Program

Date:

Report No.:

Quarter From:

To:

FINANCIAL REPORT:

| Cost Category | Authorized Budget | Expenditures from Last Report | Expenditures This Period | Total Expenditures to Date | Balance of Funds |
|---------------|---------------------|-------------------------------|--------------------------|----------------------------|---------------------|
| | \$ - | | | | |
| Personnel | | - | - | | \$ - |
| Travel | | - | - | - | \$ - |
| Contractual | 35,512.50 | - | - | - | \$ 35,512.50 |
| Supplies | | - | - | - | \$ - |
| Other | | - | - | - | \$ - |
| | | - | - | - | \$ - |
| TOTALS | \$ 35,512.50 | - | \$ - | \$ - | \$ 35,512.50 |

| | |
|---------------------------------|------|
| Advance funding | \$ - |
| Expenditures applied to advance | - |
| Remaining Advance Balance | \$ - |

PROGRESS REPORT: Describe activities that have occurred during this reporting period. Describe any challenges you may have experienced, any foreseen problems, and/or any special requests. Attach additional pages.

Grantee Certification: I certify that the above information is true and correct, and that expenditures have been made for the purpose of, and in accordance with, applicable grant agreement terms and conditions.

Signature: _____

Date: _____

Printed Name and Title: _____

Signature Authorization Form

Grant Program: Commercial Vessel Passenger Tax Program - State Pass Thru Funding

Agreement Number: 271.94910.11CPV.43011

Effective Date 01/17/2012

Name of Grantee

City of Homer

DUNS# and Tax ID#

DUNS # 040171563 TAX ID# 92-0030963

Point of Contact Information

Program Manager, Chief Financial Officer, and Signatory Official must be three (3) different individuals.

Primary and Alternate Signatories: Grant Award/Amendments and Grant Reports

Program Manager Name
Individual managing the project

Brian Hawkins,

PM Address

491 E. Pioneer Ave., Homer, AK 99603

PM Telephone

907-235-3160

PM Fax

907-235-3152

PM Email

bhawkins@ci.homer.ak.us

Chief Financial Officer Name
Authorized to certify financial expenditures and records

Regina Mauras

Jo Earls

CFO Address

491 E. Pioneer Ave. Homer, AK 99603

CFO Telephone

907-235-8121

907-435-3110

CFO Fax

907-235-3140

CFO Email

rmauras@ci.homer.ak.us

jearls@ci.homer.ak.us

Signatory Official Name
City Manager

Walt Wrede

Mark Robl

Signatory Official Address

491 E. Pioneer Ave., Homer AK 99603

4060 Heath St., Homer, AK 99603

Signatory Official Telephone

907-235-8121

907-235-3150

Signatory Official Fax

907-235-3140

907-235-3151

Signatory Official Email

wwrede@ci.homer.ak.us

mrobl@ci.homer.ak.us

Signatures required by each of the above-named individuals.

Project Manager

Signature and Date

Chief Financial Officer

Signature and Date

Signatory Official

Signature and Date

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-09

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting February 13, 2012 Introduction
 - a. Memorandum 12-024 from Public Works Director as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 12-09

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING THE FY 2012 OPERATING BUDGET
9 BY APPROPRIATING \$27,275.01 (IN EQUAL AMOUNTS
10 FROM THE PUBLIC WORKS, WATER AND SEWER
11 RESERVE ACCOUNTS) FOR THE PURCHASE OF A USED
12 SKID-MOUNTED STEAMER EQUIPMENT UNIT.

13
14 WHEREAS, In January, the equipment inside the steamer truck malfunctioned and
15 melted down; and

16
17 WHEREAS, The availability of this equipment is critical to providing thawing service to
18 the community. The equipment is used to steam hydrants (several times a winter to minimize
19 frost heaving and hydrant failure), open frozen sewer lines, thaw blocked culverts and open
20 frozen ditches; and

21
22 WHEREAS, Significant damage to public infrastructure and private property could result if
23 thawing capabilities are not available (as discussed in Memorandum #12-024 prepared by the Public
24 Works Director).

25
26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

27
28 Section 1. The FY 2011 Operating Budget is hereby amended by appropriating
29 \$27,275.01 from the Public Works, Water and Sewer Reserve Accounts for the replacement of
30 steamer unit equipment, as follows:

31 Expenditure:

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|----------------------|------------------------------------|
| 156-395 | Public Works Reserve | 1/3 of \$27,275.01 (\$9,091.67) |
| 256-378 | Water Reserve | 1/3 of \$27,275.01 (\$9,091.67) |
| 256-379 | Sewer Reserve | 1/3 of \$27,275.01 (\$9,091.67) |

42
43 Section 2. This is a budget amendment ordinance is not permanent in nature, and shall
44 not be codified.

48 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
49 _____ 2012.

50 CITY OF HOMER

51
52
53
54 _____
JAMES C. HORNADAY, MAYOR

55 ATTEST:
56
57 _____
58 JO JOHNSON, CMC, CITY CLERK

59
60
61 YES:
62 NO:
63 ABSTAIN:
64 ABSENT:
65
66
67 First Reading:
68 Public Hearing:
69 Second Reading:
70 Effective Date:

71
72
73 Reviewed and approved as to form:

74
75 _____
76 Walt E. Wrede, City Manager

77
78 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 12-024

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: February 7, 2012
RE: **Steamer Equipment Replacement**

In January, the equipment inside the steamer truck malfunctioned and melted down. The accident occurred on an unusually bitter cold morning; an autopsy concluded that the probable cause of death was a frozen water/fuel regulator that allowed the boiler to continue to be heated even though there was no longer any water in the boiler.

The availability of this equipment is critical to providing thawing service to the community. The equipment is used to steam hydrants (several times a winter to minimize frost heaving and hydrant failure), open frozen sewer lines, thaw blocked culverts and open frozen ditches. It is especially vital during breakup. Although Public Works was able to borrow a steamer from ADOT for one day, our hydrant steaming, ditch opening and culvert thawing operations have come to a standstill. Significant damage to public infrastructure and private property could result if thawing capabilities are not available.

Public Works has contacted vendors that supply new skid mounted steaming equipment. The delivery of new equipment is 8-10 weeks out, and will require significant research to determine which one best meets our needs. The expected cost of a new steamer unit is \$40,000 – \$50,000

A reconditioned steam unit is available in Alberta Canada; the only one Public Works has been able to locate. The cost of this unit is \$24,775.01 (plus \$2,500 shipping).

Public Works mechanics have attempted to repair the steamer utilizing parts from the steamer unit surplused in 2003. This attempt has failed.

At this time, Public Works believes that purchasing the used steamer unit is the only way to acquire the critical equipment necessary to meet our immediate needs. Based on the implications of not having thawing capacities, Public Works will evaluate and make future recommendations regarding the purchase of a new steamer unit, so that the community has redundant thawing capabilities.

Recommendations: The City Council pass an ordinance approving the purchase of a used steamer unit and authorizing the City manager to execute all necessary documents. The cost should be split equally between the PW Reserve, Water Reserve and Sewer Reserve accounts.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-10

An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use.

Sponsor: Planning

1. City Council Regular Meeting February 13, 2012 Introduction
 - a. Memorandum 12-021 with supporting documents from City Planner as backup

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 12-10

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, ENACTING HOMER CITY CODE CHAPTER 21.27,
EAST END MIXED USE DISTRICT, AMENDING HOMER
CITY CODE 21.10.010, ZONING DISTRICTS, AND
AMENDING THE HOMER ZONING MAP TO REZONE
PORTIONS OF THE RURAL RESIDENTIAL, GENERAL
COMMERCIAL ONE AND GENERAL COMMERCIAL TWO
ZONING DISTRICTS TO EAST END MIXED USE.

WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states:
Develop clear and well-defined land use regulations and update the zoning map in support of the
desired pattern of growth; and

WHEREAS, Chapter 4 Goal 1 Objective B of the Homer Comprehensive Plan calls for
the establishment of an E-MU zoning district to accommodate a wide variety of commercial and
industrial uses with access to the marina and airport; and

WHEREAS, Chapter 4 Goal 4 Objective D of the Homer Comprehensive Plan states,
“Introduce new commercial districts to better encourage and accommodate commercial land uses
in appropriate locations, and allow new types of commercial activities to take place.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 21.27, East End Mixed Use District, is adopted to read as
follows:

Chapter 21.27

EAST END MIXED USE DISTRICT

Sections:

- 21.27.010 Purpose.
- 21.27.020 Permitted Uses and Structures.
- 21.27.030 Conditional Uses and Structures.
- 21.27.040 Dimensional requirements.
- 21.27.050 Site and Access Plans.
- 21.27.060 Traffic Requirements.
- 21.27.070 Site Development Requirements.
- 21.27.080 Nuisance standards.
- 21.27.090 Lighting Standards.

47 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to
48 provide sites for businesses that require direct motor vehicle access and may require larger land
49 area. The district is meant to accommodate a mixture of existing and accessory residential with
50 non-residential uses. When a conflict exists between residential and nonresidential uses conflicts
51 shall be resolved in favor of non-residential uses.

52
53 21.27.020 Permitted uses and structures. The following uses are permitted outright in the
54 East End Mixed Use District, except when such use requires a conditional use permit by reason
55 of size, traffic volumes, or other reasons set forth in this chapter.

- 56 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals,
57 service and repair;
- 58 b. Drive-in car washes;
- 59 c. Building supply and equipment sales and rentals;
- 60 d. Garden supplies and greenhouses;
- 61 e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service
62 and repair;
- 63 f. Welding and mechanical repair;
- 64 g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 65 h. Religious, cultural, and fraternal assembly;
- 66 i. Studios;
- 67 j. Personal services;
- 68 k. Agricultural activities, including general farming, truck farming, nurseries, tree
69 farms and greenhouses;
- 70 l. Private stables;
- 71 m. Storage of heavy equipment, vehicles or boats;
- 72 n. Plumbing, heating and appliance service shops;
- 73 o. Home occupations on a lot whose principal permitted use is residential, provided
74 they conform to the requirements of HCC § 21.51.010;
- 75 p. Mortuaries and crematoriums;
- 76 q. Open air businesses;
- 77 r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
- 78 s. Manufacturing, fabrication and assembly;
- 79 t. Retail businesses;
- 80 u. Trade, skilled or industrial schools;
- 81 v. Wholesale businesses, including storage and distribution services incidental to the
82 products to be sold;
- 83 w. Parks and open space;
- 84 x. Warehousing, commercial storage and mini-storage;
- 85 y. Recreational vehicles, subject to the standards in HCC § 21.54.320(a), (b) and (c);
- 86 z. Dry cleaning, laundry, and self-service laundries;
- 87 aa. Mobile food services;
- 88 bb. As an accessory use, one small wind energy system per lot;
- 89 cc. Production, processing, assembly and packaging of fish, shellfish and seafood
90 products;
- 91 dd. Research and development laboratories;

- 92 ee. Storage and distribution services and facilities, including truck terminals,
- 93 warehouses and storage buildings and yards, contractors' establishments,
- 94 lumberyards and sales, or similar uses;
- 95 ff. Cold storage facilities;
- 96 gg. Mobile commercial structures;
- 97 hh. Single family and duplex dwellings, only as an accessory use incidental to a
- 98 permitted principal use, provided that no permit shall be issued for the
- 99 construction of an accessory dwelling prior to the establishment of the principal
- 100 use;
- 101 ii. The repair, replacement, reconstruction or expansion of a single family or duplex
- 102 dwelling, including a mobile home, that existed lawfully before its inclusion in
- 103 the GC1, GC2 or EEMU zoning districts, notwithstanding any provision of HCC
- 104 Chapter 21.61 to the contrary, provided that a mobile home may not be used to
- 105 replace or expand such a dwelling ;
- 106 jj. Customary accessory uses to any of the uses permitted in the EEMU district that
- 107 are clearly subordinate to the main use of the lot or building, including without
- 108 limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for
- 109 employees; or caretaker or employee dormitory residence if situated on a portion
- 110 of the same lot as the principal use, provided that no permit shall be issued for the
- 111 construction of any type of accessory building prior to the establishment of the
- 112 principal use;
- 113 kk. Taxi operation;
- 114 ll. Itinerant merchants, provided all activities shall be limited to uses permitted
- 115 outright under this zoning district;
- 116 mm. More than one building containing a permitted principal use on a lot;
- 117 nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
- 118 use to a residential use in a manner consistent with the requirements of all other
- 119 provisions of the Homer City Code and as long as such animals are pets of the
- 120 residents of the dwelling and their numbers are such as not to unreasonably annoy
- 121 or disturb occupants of neighboring property.
- 122

123 21.27.030 Conditional uses and structures. The following conditional uses may be
124 permitted in the East End Mixed Use District when authorized by conditional use permit issued
125 in accordance with HCC Chapter 21.71:

- 126 a. Construction camps;
- 127 b. Extractive enterprises, including crushing of gravel, sand and other earth products
- 128 and batch plants for asphalt or concrete;
- 129 c. Auto fueling stations;
- 130 d. Bulk petroleum product storage;
- 131 e. Planned unit developments;
- 132 f. Junk yard;
- 133 g. Kennels;
- 134 h. Public utility facilities and structures;
- 135 i. Impound yards;
- 136 j. Indoor recreational facilities;
- 137 k. Outdoor recreational facilities;

138 1. Other uses approved pursuant to HCC § 21.04.020.
139

140 21.27.040 Dimensional requirements. The following dimensional requirements shall
141 apply to all structures and uses in the East End Mixed Use District:

142 a. Lot Size.

143 1. The minimum area of a lot that is not served by public sewer or water
144 shall be 40,000 square feet.

145 2. The minimum area of a lot that is served by either a public water supply
146 approved by the State Department of Environmental conservation, or a public or community
147 sewer approved by the State Department of Environmental Conservation, shall be 20,000 square
148 feet.

149 3. The minimum area of a lot that is served by both a public water supply
150 approved by the State Department of Environmental conservation, and a public or community
151 sewer approved by the State Department of Environmental Conservation, shall be 10,000 square
152 feet.

153 b. Building Setbacks.

154 1. All buildings shall be set back 20 feet from all dedicated rights-of-way
155 other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been
156 determined to be unsuitable for road construction by resolution of the City Council, all buildings
157 shall be set back from the boundary of the right-of-way according to the number of stories as
158 follows:

| 159 | Number of Stories | Setback (in feet) |
|-----|-------------------|-------------------|
| 160 | 1 | 5 |
| 161 | 1½ | 6 |
| 162 | 2 | 7 |
| 163 | 2½ | 8 |

164
165 2. The setback requirements from any lot line abutting an alley will be
166 determined by the dimensional requirements of subparagraphs (b)(3) and (4);

167 3. Buildings shall be set back five feet from all other lot boundary lot lines
168 unless adequate firewalls are provided and adequate access to the rear of the building is
169 otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State
170 Fire Marshal;

171 4. Any attached or detached accessory building shall maintain the same yards
172 and setbacks as the main building.

173 c. Building Height. The maximum building height shall be 35 feet.

174 d. No lot shall contain more than 8,000 square feet of building area (all buildings
175 combined), nor shall any lot contain building area in excess of 30 percent of the lot area without
176 an approved conditional use permit.

177 e. Building Area and Dimensions - Retail and Wholesale. The total floor area of
178 retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
179 No conditional use permit, Planned Unit Development, or variance may be granted that would
180 allow a building to exceed the limits of this subparagraph, and no nonconforming use or structure
181 may be expanded in any manner that would increase its nonconformity with the limits of this
182 subparagraph.

183

- 184 f. Screening.
185 1. When one or more side or rear lot lines abut land within an RO, RR, or
186 UR district or when a side or rear yard area is to be used for parking, loading, unloading
187 or servicing, then those side and rear yard areas shall be effectively screened by a wall,
188 fence, or other sight-obscuring screening. Such screening shall be of a height adequate to
189 screen activity on the lot from outside view by a person of average height standing at
190 street level.
191 2. Outside storage of materials, equipment and trash/dumpsters adjacent to
192 East End Road and Kachemak Drive shall be screened. Screening may consist of walls,
193 fences, landscaped berms, evergreen plantings, or any combination thereof.
194

195 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the
196 East End Mixed Use District shall not be issued by the City without a level two site plan
197 approved by the City under HCC Chapter 21.73.

198 b. No zoning permit may be granted for any use or structure without a level two
199 right-of-way access plan approved by the City under HCC § 21.73.100.
200

201 21.27.060 Traffic Requirements. A conditional use permit is required for every use that:

202 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
203 based on the proposed land use and density, or calculated utilizing the Trip Generation
204 Handbook, Institute of Transportation Engineers (current edition),

205 b. Is estimated to generate more than 500 vehicle trips per day based on the
206 proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of
207 Transportation Engineers (current edition);

208 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
209 during any hour of the day due to a change in land use or intensity of use;

210 d. Is expected to generate traffic that will detract from the safety of, or degrade by
211 one level of service, the highway, road, street, alley or intersection.
212

213 21.27.070 Site Development Requirements. All development on lands in this district shall
214 conform to the level two site development standards set forth in HCC § 21.50.030.
215

216 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through
217 (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of
218 materials and equipment is permitted, subject to the requirement that when a lot abuts a
219 residential zoning district any outdoor storage of materials and equipment on the lot must be
220 screened from the residential district by a wall, fence, or other sight-obscuring material. The
221 screen must be a minimum of eight feet in height.
222

223 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030
224 apply to all development, uses, and structures in this zoning district.
225

226 Section 2. Homer City Code 21.10.010, Zoning districts, is amended to read as follows:
227

228
229
230
231

21.10.010 Zoning districts. a. The city is divided into zoning districts. Within each zoning district only uses and structures authorized by this title are allowed.
b. The following zoning districts are hereby established:

| Zone | Abbreviated Designation |
|----------------------------------|-------------------------|
| Residential office | RO |
| Rural residential | RR |
| Urban residential | UR |
| Central business district | CBD |
| Town center district | TCD |
| Gateway business district | GBD |
| General commercial 1 | GC1 |
| General commercial 2 | GC2 |
| <u>East end mixed use</u> | <u>EEMU</u> |
| Marine commercial | MC |
| Marine industrial | MI |
| Open space--Recreational | OSR |
| Conservation district | CO |

232
233
234
235

c. The zoning district boundaries shall be as shown on the official Homer Zoning Map.

Section 3. The Homer Zoning Map is amended to transfer from the Rural Residential (RR), General Commercial 1 (GC1) and General Commercial 2 (GC2) zoning districts, to the East End Mixed Use (EEMU) district as shown on the attached Exhibit A, the parcels listed on attached Exhibit B

Section 4. The City Planner is authorized to sign the amended Homer Zoning Map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 5. Sections 1 and 2 of this Ordinance are of a permanent and general character and shall be included in the City Code. Section 3 is a non Code Ordinance of a permanent Nature and shall be noted in the Ordinance history of HCC 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2012.

251
252
253
254
255

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

256 ATTEST:
257
258
259 _____
260 JO JOHNSON, CMC, CITY CLERK
261

262
263
264 YES:
265 NO:
266 ABSTAIN:
267 ABSENT:

268
269 First Reading:
270 Public Hearing:
271 Second Reading:
272 Effective Date:

273
274 Reviewed and approved as to form:

275
276
277 _____
278 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

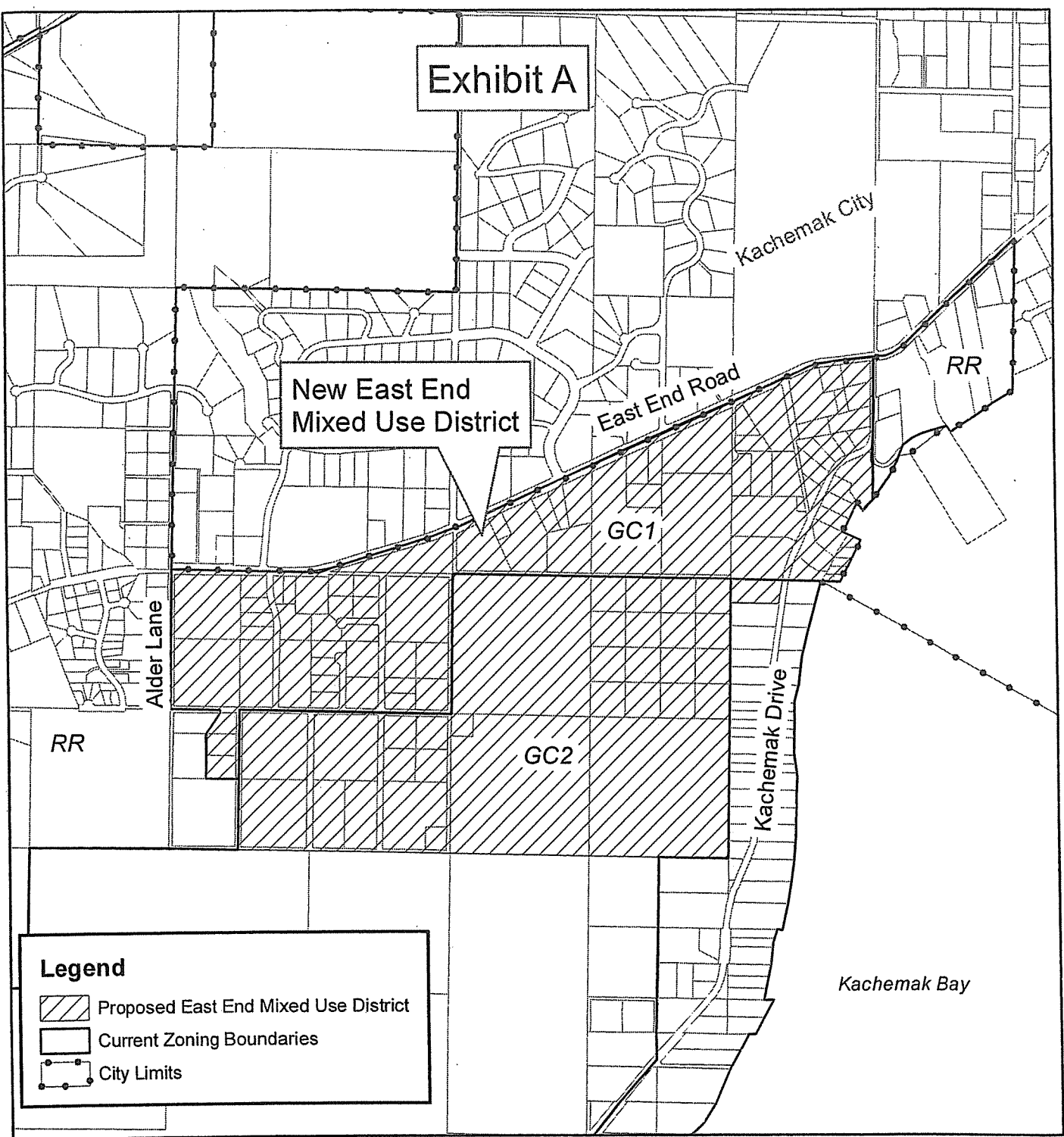
279
280 Date: _____

Date: _____

281
282

Exhibit A

New East End Mixed Use District



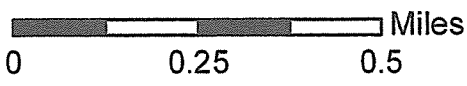
Legend

- Proposed East End Mixed Use District
- Current Zoning Boundaries
- City Limits



City of Homer
Planning and Zoning Department
December 8, 2011

East End Mixed Use Zoning District



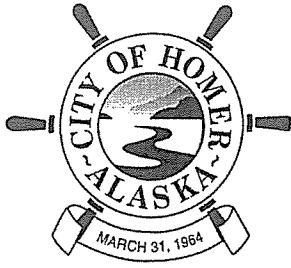
Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

| PARCEL_ID | LEGAL DESCRIPTION |
|-----------|---|
| 17412009 | T 6S R 13W SEC 10 SEWARD MERIDIAN HM SE1/4 SE OF FRITZ CREEK DR EXCLUDING DOT ROW |
| 17908005 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 5 WEST OF KACHEMAK DRIVE |
| 17908030 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM SW1/4 OF NW1/4 EXC N 208.71 FT OF W 208.71 FT |
| 17419110 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2005090 COMMERCE PARK 2005 ADDN LOT 2-A-2 |
| 17419202 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 3 BLK 1 |
| 17420205 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 4 |
| 17420103 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 11 |
| 17420212 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 1J |
| 17419108 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0970022 COMMERCE PARK 1997 ADDN LOT 1-A |
| 17420314 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2000028 RUMLEY-COLLIE SUB NO 6 TRACT C EXCLUDING DOT ROW |
| 17419107 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0970020 COMMERCE PARK RESUB LOT 3 LOT 3-B |
| 17420119 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 2-A-1 |
| 17420112 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0830031 MOORE-HOLT SUB NO 3 LOT 1-A |
| 17419111 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2005090 COMMERCE PARK 2005 ADDN LOT 2-A-1 |
| 17419223 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0950052 PUFFIN ACRES NO 2 LOT 2B BLK 1 |
| 17420204 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 5 |
| 17420315 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 5-A-1 |
| 17419106 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0970020 COMMERCE PARK RESUB LOT 3 LOT 3-A |
| 17419105 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850014 COMMERCE PARK SUB LOT 5 |
| 17420203 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0003064 H K DAVIS SUB AMENDED LOT 6 |
| 17420104 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 12 |
| 17420220 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2006014 H K DAVIS SUB NO 7 LOT 1B-1 |
| 17420120 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 3-A-1 |
| 17420207 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 14 |
| 17420306 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0870067 RUMLEY-COLLIE SUB 3 TRACT A-1B |
| 17419104 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850014 COMMERCE PARK SUB LOT 4 |
| 17420309 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0870069 RUMLEY - COLLIE FOUR TRACT A-3B |
| 17419204 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 1 BLK 1 |
| 17420317 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 4-A-1 |
| 17420313 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2000028 RUMLEY-COLLIE SUB NO 6 TRACT B |
| 17420201 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 8 |

| PARCEL ID | LEGAL DESCRIPTION |
|-----------|--|
| 17420213 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 1K |
| | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 1A |
| 17420218 | EXCLUDING DOT ROW |
| 17420206 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 3 |
| 17908047 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM N 208.71 FT OF W 208.71 FT OF SW1/4 NW1/4 |
| 17420118 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 200069 H K DAVIS SUB NO 6 LOT 15-D |
| 17420219 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0860021 H K DAVIS SUB NO 5 LOT 1L |
| 17420316 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 5-A-2 |
| 17420105 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 13 |
| 17420202 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 7 |
| 17419205 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM PTN E1/2 SW1/4 LYING N OF LT 1 BLK 1 & E OF LT 2 BLK 1 PUFFIN ACRES & S OF EAST ROAD EXCLUDING DOT ROW |
| 17419222 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0950052 PUFFIN ACRES NO 2 LOT 2A BLK 1 |
| 17928001 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM PTN NW1/4 NW1/4 NEL/4 LYING SOUTH OF EAST END ROAD & EAST OF ALDER LANE AKA TRACT A TIETJEN SUB EXCL DOT ROW |
| 17928030 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-5 |
| 17928045 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 2 |
| 17928051 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TR C-2 TRACT C2-D |
| 17928049 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TRACT C-2 TRACT C-2B |
| 17928040 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760092 TIETJEN RESUB OF TR C-1 TRACT C-1A |
| | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-6 |
| 17928031 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-4 |
| 17928029 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 3 |
| 17928046 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 3 |
| 17928050 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TRACT C-2 TRACT C-2C |
| | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 1 EXCLUDING DOT ROW |
| 17928044 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TR C-2 TRACT C2-A |
| 17928048 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM E 312 FT OF W 1477 FT OF N 418.8 FT OF NE1/4 EXC ROAD & EXCLUDING DOT ROW |
| 17928004 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0731252 TIETJEN LOT 2-B RESUB LOT B-2B |
| 17928020 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2005071 TIETJEN SUB NO 9 LOT 1 |
| 17928059 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2005071 TIETJEN SUB NO 9 LOT 1 |

| PARCEL_ID | LEGAL DESCRIPTION |
|-----------|--|
| 17928036 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-4 |
| 17928032 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT H-1 |
| 17928047 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 4 |
| 17928033 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT H-2 |
| 17908011 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 12 |
| 17908004 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 6 |
| 17419201 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 4 BLK 1 |
| 17420117 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 5 |
| 17420113 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 1 |
| 17908016 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 20 |
| 17420311 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0890036 RUMLEY-COLLIE FIVE SUB TRACT A-2B |
| 17420208 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 2 |
| 17908009 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 10 |
| 17420116 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 4 |
| 17420308 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0870069 RUMLEY-COLLIE FOUR SUB TRACT A-3A |
| 17420115 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 3 |
| 17908003 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 7 |
| 17908012 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 13 |
| 17908002 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 8 |
| 17908029 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM NW1/4 OF NW1/4 |
| 17420114 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 2 |
| 17908031 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM SE1/4 OF NW1/4 |
| 17908018 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 18 |
| 17908001 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 9 |
| 17908017 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 19 |
| 17908023 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 22 |
| 17908015 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 21 |
| 17908010 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 11 |
| 17908024 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 23 |
| 17908025 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 24 |
| 17908026 | T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 25 |

| PARCEL ID | LEGAL DESCRIPTION |
|-----------|---|
| 17928006 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT D |
| 17928010 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT F-1 |
| 17928022 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0731385 TIETJEN SUB TR O RESUB TRACT O-2 |
| 17928014 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT K |
| 17928023 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0731385 TIETJEN SUB TR O RESUB TRACT O-1 |
| 17928028 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-3 |
| 17928039 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-3 |
| 17928013 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT J |
| 17928055 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0860003 TIETJEN SUB NO 7 TRACT I-3 |
| 17928018 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB LOT N |
| 17928027 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-2 |
| 17928057 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004063 TIETJEN SUB NO 8 TRACT H-3A |
| 17928056 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0860003 TIETJEN SUB NO 7 TRACT I-4 |
| 17928009 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB LOT F-2 |
| 17928011 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT E |
| 17928042 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT P EXC THE E 200 FT OF THE S 217.8 FT |
| 17928035 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT H-4 |
| 17928043 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB PTN OF TR P BEGINNING @SE CORNER OF TR P TH W 200 FT; TH N 217.8 FT; TH E 200 FT; TH S 217.8 FT TO THE POB |
| 17928054 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0860003 TIETJEN SUB NO 7 TRACT I-2 |
| 17928060 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2005071 TIETJEN SUB NO 9 LOT 2 |
| 17928037 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-1 |
| 17928026 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-1 |
| 17928041 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760092 TIETJEN RESUB OF TR C-1 TRACT C-1B |
| 17928038 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-2 |
| 17928058 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004063 TIETJEN SUB NO 8 TRACT H-3B |



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 12-021

TO: Mayor Hornaday and Homer City Council
THRU: Walt Wrede, City Manager
FROM: Rick Abboud, City Planner
DATE: February 6, 2012
SUBJ: **Ordinance 12-**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning Districts to East End Mixed Use.

Introduction

The Planning Commission is forwarding the Draft Ordinances for review. The HAPC has had 13 work sessions, 11 regular meetings, 1 public outreach meeting, and a public hearing regarding this issue.

Why

Amending the map and text to create the East End Mixed Used District (EEMU) directly fulfills objectives of the Homer Comprehensive Plan in many aspects. After reviewing the code and map, you will find that it furthers specific goals and objectives of the adopted Homer Comprehensive Plan. The foremost priority of any zoning text or map amendment is whether it is consistent with the comprehensive plan (HCC 21.95.040 (a) & HCC 21.95.050 (a)).

Goal 1, Objective A, Modifies zoning policies to expand commercial development. Implementation Strategy 4, Commercial districts – encourage residential uses, while recognizing the primacy of commercial and/or industrial uses. Objective B (map components), East End Mixed Use – A wide variety of commercial and industrial uses with access to the marina and airport. Objective C: Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth. Implementation Strategy 1, Revise the City’s existing zoning code, to reflect the general land use designations presented in Objective B and Appendix B.

Appendix B, Land Use Designations E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer’s economy, continue to have a viable location.

- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots. *-Homer Comprehensive Plan*

While I have spent an entire page to demonstrate the district's adherence to the Comprehensive plan, staff reports 11-90 and 11-91 answer the rest of the requirements found in code. The rest of the memo will be a brief of code and map amendment which can be studied in greater detail through the backup material. Again, the Planning Commission created this district to fulfill the objectives of the Homer Comprehensive Plan and it is not a reaction to any one specific item or issue.

What

Uses are a combination of General Commercial 1 & 2

A grand tally of all the permitted and conditional uses found in GC1 & 2 was made and combed through line by line by staff and the Planning Commission. Duplicates were resolved and it was determined that commercial activities would have priority over residential. Existing residential that would be eligible for "lawful nonconforming status" (lawfully constructed when allowed) are to be allowed outright and even allowed to expand or rebuild, but no more additional independent residential will be allowed. Any residential development will have to be made in conjunction with first establishing a commercial use.

Where

The entire area suggested in the comprehensive plan was evaluated

After initial review of GC1, 2 and residential areas, the commission listened to those who commented and excluded the residential area under consideration and added a lot requested by the owner that was contiguous to the district and next to the boat yard.

Result

The Planning Commission created a district that accommodates existing

development and allows additional opportunities for commercial activities

Staff and Planning Commission recommendation:

Adopt Ordinance 12-10

Attachments

1. Draft Ordinance 11-XX
2. Staff Report PL 11-122 and Memorandum dated December 7, 2011 and minutes
3. Staff Report PL 11-113 dated November 2, 2011 and minutes
4. Staff Reports PL 11-90 and 11-91 dated August 17, 2011 and minutes
5. Staff Report PL 11-83 dated August 3, 2011 and minutes
6. Staff Report PL 11-77 dated July 20, 2011 and minutes
7. Staff Report PL 11-59 dated May 18, 2011 and minutes
8. Staff Report PL 11-52 dated May 4, 2011 and minutes
9. Staff Report PL 11-41 dated April 6, 2011 and minutes
10. Staff Report PL 11-35 dated March 16, 2011 and minutes
11. Staff Report PL 11-26 dated March 2, 2011 and minutes
12. Staff Report PL 11-22 dated February 16, 2011 (Work Session-No Minutes)
13. Staff Report PL 11-01 dated January 5, 2011 and minutes
14. Staff Report PL 10-104 dated November 3, 2010 and minutes

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE DISTRICT, AMENDING HOMER CITY CODE 21.10.010, ZONING DISTRICTS, AND AMENDING THE HOMER ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL, GENERAL COMMERCIAL ONE AND GENERAL COMMERCIAL TWO ZONING DISTRICTS TO EAST END MIXED USE

WHEREAS, Chapter 4 Goal 1 Objective C of the Homer Comprehensive Plan states: Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth; and

WHEREAS, Chapter 4 Goal 1 Objective B of the Homer Comprehensive Plan calls for the establishment of an E-MU zoning district to accommodate a wide variety of commercial and industrial uses with access to the marina and airport; and

WHEREAS, Chapter 4 Goal 4 Objective D of the Homer Comprehensive Plan states, "Introduce new commercial districts to better encourage and accommodate commercial land uses in appropriate locations, and allow new types of commercial activities to take place.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 21.27, East End Mixed Use District, is adopted to read as follows:

Chapter 21.27

EAST END MIXED USE DISTRICT

Sections:

- 21.27.010 Purpose
- 21.27.020 Permitted uses and Structures
- 21.27.030 Conditional Uses and Structures
- 21.27.040 Dimensional requirements
- 21.27.050 Site and Access Plans
- 21.27.060 Traffic Requirements.
- 21.27.070 Site Development Requirements
- 21.27.080 Nuisance standards

47 21.27.090 Lighting Standards

48

49 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to
50 provide sites for businesses that require direct motor vehicle access and may require larger land
51 area. The district is meant to accommodate a mixture of existing and accessory residential with
52 non-residential uses. When a conflict exists between residential and nonresidential uses conflicts
53 shall be resolved in favor of non-residential uses.

54

55 21.27.020 Permitted uses and structures. The following uses are permitted outright in the
56 East End Mixed Use District, except when such use requires a conditional use permit by reason
57 of size, traffic volumes, or other reasons set forth in this chapter.

- 58 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals,
59 service and repair;
- 60 b. Drive-in car washes;
- 61 c. Building supply and equipment sales and rentals;
- 62 d. Garden supplies and greenhouses;
- 63 e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service
64 and repair;
- 65 f. Welding and mechanical repair;
- 66 g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 67 h. Religious, cultural, and fraternal assembly;
- 68 i. Studios;
- 69 j. Personal services;
- 70 k. Agricultural activities, including general farming, truck farming, nurseries, tree
71 farms and greenhouses;
- 72 l. Private stables;
- 73 m. Storage of heavy equipment, vehicles or boats;
- 74 n. Plumbing, heating and appliance service shops;
- 75 o. Home occupations on a lot whose principal permitted use is residential, provided
76 they conform to the requirements of HCC § 21.51.010;
- 77 p. Mortuaries and crematoriums;
- 78 q. Open air businesses;
- 79 r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
- 80 s. Manufacturing, fabrication and assembly;
- 81 t. Retail businesses;
- 82 u. Trade, skilled or industrial schools;
- 83 v. Wholesale businesses, including storage and distribution services incidental to the
84 products to be sold;
- 85 w. Parks and open space;
- 86 x. Warehousing, commercial storage and mini-storage;
- 87 y. Recreational vehicles, subject to the standards in HCC § 21.54.320(a), (b) and (c);
- 88 z. Dry cleaning, laundry, and self-service laundries;
- 89 aa. Mobile food services;
- 90 bb. As an accessory use, one small wind energy system per lot;
- 91 cc. Production, processing, assembly and packaging of fish, shellfish and seafood
92 products;

- 93 dd. Research and development laboratories;
94 ee. Storage and distribution services and facilities, including truck terminals,
95 warehouses and storage buildings and yards, contractors' establishments,
96 lumberyards and sales, or similar uses;
97 ff. Cold storage facilities;
98 gg. Mobile commercial structures;
99 hh. Single family and duplex dwellings, only as an accessory use incidental to a
100 permitted principal use, provided that no permit shall be issued for the
101 construction of an accessory dwelling prior to the establishment of the principal
102 use;
103 ii. The repair, replacement, reconstruction or expansion of a single family or duplex
104 dwelling, including a mobile home, that existed lawfully before its inclusion in
105 the GC1, GC2 or EEMU zoning districts, notwithstanding any provision of HCC
106 Chapter 21.61 to the contrary, provided that a mobile home may not be used to
107 replace or expand such a dwelling ;
108 jj. Customary accessory uses to any of the uses permitted in the EEMU district that
109 are clearly subordinate to the main use of the lot or building, including without
110 limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for
111 employees; or caretaker or employee dormitory residence if situated on a portion
112 of the same lot as the principal use, provided that no permit shall be issued for the
113 construction of any type of accessory building prior to the establishment of the
114 principal use;
115 kk. Taxi operation;
116 ll. Itinerant merchants, provided all activities shall be limited to uses permitted
117 outright under this zoning district;
118 mm. More than one building containing a permitted principal use on a lot;
119 nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
120 use to a residential use in a manner consistent with the requirements of all other
121 provisions of the Homer City Code and as long as such animals are pets of the
122 residents of the dwelling and their numbers are such as not to unreasonably annoy
123 or disturb occupants of neighboring property.
124

125 21.27.030 Conditional uses and structures. The following conditional uses may be
126 permitted in the East End Mixed Use District when authorized by conditional use permit issued
127 in accordance with HCC Chapter 21.71:

- 128 a. Construction camps;
129 b. Extractive enterprises, including crushing of gravel, sand and other earth products
130 and batch plants for asphalt or concrete;
131 c. Auto fueling stations;
132 d. Bulk petroleum product storage;
133 e. Planned unit developments;
134 f. Junk yard;
135 g. Kennels;
136 h. Public utility facilities and structures;
137 i. Impound yards;
138 j. Indoor recreational facilities;

- 139 k. Outdoor recreational facilities;
- 140 l. Other uses approved pursuant to HCC § 21.04.020.

141
142 21.27.040 Dimensional requirements. The following dimensional requirements shall
143 apply to all structures and uses in the East End Mixed Use District:

- 144 a. Lot Size.
 - 145 1. The minimum area of a lot that is not served by public sewer or water
 - 146 shall be 40,000 square feet.
 - 147 2. The minimum area of a lot that is served by either a public water supply
 - 148 approved by the State Department of Environmental conservation, or a public or community
 - 149 sewer approved by the State Department of Environmental Conservation, shall be 20,000 square
 - 150 feet.
 - 151 3. The minimum area of a lot that is served by both a public water supply
 - 152 approved by the State Department of Environmental conservation, and a public or community
 - 153 sewer approved by the State Department of Environmental Conservation, shall be 10,000 square
 - 154 feet.

- 155 b. Building Setbacks.
 - 156 1. All buildings shall be set back 20 feet from all dedicated rights-of-way
 - 157 other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been
 - 158 determined to be unsuitable for road construction by resolution of the City Council, all buildings
 - 159 shall be set back from the boundary of the right-of-way according to the number of stories as
 - 160 follows:

| 161 | Number of Stories | Setback (in feet) |
|-----|-------------------|-------------------|
| 162 | 1 | 5 |
| 163 | 1½ | 6 |
| 164 | 2 | 7 |
| 165 | 2½ | 8 |

- 166
- 167 2. The setback requirements from any lot line abutting an alley will be
- 168 determined by the dimensional requirements of subparagraphs (b)(3) and (4);
- 169 3. Buildings shall be set back five feet from all other lot boundary lot lines
- 170 unless adequate firewalls are provided and adequate access to the rear of the building is
- 171 otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State
- 172 Fire Marshal;
- 173 4. Any attached or detached accessory building shall maintain the same yards
- 174 and setbacks as the main building.

- 175 c. Building Height. The maximum building height shall be 35 feet.
- 176 d. No lot shall contain more than 8,000 square feet of building area (all buildings
- 177 combined), nor shall any lot contain building area in excess of 30 percent of the lot area without
- 178 an approved conditional use permit.
- 179 e. Building Area and Dimensions - Retail and Wholesale. The total floor area of
- 180 retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
- 181 No conditional use permit, Planned Unit Development, or variance may be granted that would
- 182 allow a building to exceed the limits of this subparagraph, and no nonconforming use or structure
- 183 may be expanded in any manner that would increase its nonconformity with the limits of this
- 184 subparagraph.

185 f. Screening.

186 1. When one or more side or rear lot lines abut land within an RO, RR, or
187 UR district or when a side or rear yard area is to be used for parking, loading, unloading
188 or servicing, then those side and rear yard areas shall be effectively screened by a wall,
189 fence, or other sight-obscuring screening. Such screening shall be of a height adequate to
190 screen activity on the lot from outside view by a person of average height standing at
191 street level.

192 2. Outside storage of materials, equipment and trash/dumpsters adjacent to
193 East End Road and Kachemak Drive shall be screened. Screening may consist of walls,
194 fences, landscaped berms, evergreen plantings, or any combination thereof.
195

196 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the
197 East End Mixed Use District shall not be issued by the City without a level two site plan
198 approved by the City under HCC Chapter 21.73.

199 b. No zoning permit may be granted for any use or structure without a level two
200 right-of-way access plan approved by the City under HCC § 21.73.100.
201

202 21.27.060 Traffic Requirements. A conditional use permit is required for every use that:

203 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
204 based on the proposed land use and density, or calculated utilizing the Trip Generation
205 Handbook, Institute of Transportation Engineers (current edition),

206 b. Is estimated to generate more than 500 vehicle trips per day based on the
207 proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of
208 Transportation Engineers (current edition);

209 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
210 during any hour of the day due to a change in land use or intensity of use;

211 d. Is expected to generate traffic that will detract from the safety of, or degrade by
212 one level of service, the highway, road, street, alley or intersection.
213

214 21.27.070 Site Development Requirements. All development on lands in this district shall
215 conform to the level two site development standards set forth in HCC § 21.50.030.
216

217 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through
218 (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of
219 materials and equipment is permitted, subject to the requirement that when a lot abuts a
220 residential zoning district any outdoor storage of materials and equipment on the lot must be
221 screened from the residential district by a wall, fence, or other sight-obscuring material. The
222 screen must be a minimum of eight feet in height.
223

224 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030
225 apply to all development, uses, and structures in this zoning district.
226

227 Section 2. Homer City Code 21.10.010, Zoning districts, is amended to read as follows:
228

229 21.10.010 Zoning districts. a. The city is divided into zoning districts. Within each zoning
230 district only uses and structures authorized by this title are allowed.
231 b. The following zoning districts are hereby established:
232

| Zone | Abbreviated Designation |
|----------------------------------|-------------------------|
| Residential office | RO |
| Rural residential | RR |
| Urban residential | UR |
| Central business district | CBD |
| Town center district | TCD |
| Gateway business district | GBD |
| General commercial 1 | GC1 |
| General commercial 2 | GC2 |
| <u>East end mixed use</u> | <u>EEMU</u> |
| Marine commercial | MC |
| Marine industrial | MI |
| Open space--Recreational | OSR |
| Conservation district | CO |

233 c. The zoning district boundaries shall be as shown on the official Homer Zoning
234 Map.
235

236 Section 3. The Homer Zoning Map is amended to transfer from the Rural Residential (RR),
237 General Commercial 1 (GC1) and General Commercial 2 (GC2) zoning districts, to the East End
238 Mixed Use (EEMU) district as shown on the attached Exhibit A, the parcels listed on attached
239 Exhibit B
240

241 Section 4. The City Planner is authorized to sign the amended Homer Zoning Map
242 and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).
243

244 Section 5. Sections 1 and 2 of this Ordinance are of a permanent and general character
245 and shall be included in the City Code. Section 3 is a non Code Ordinance of a permanent
246 Nature and shall be noted in the Ordinance history of HCC 21.10.030.
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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
_____ 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

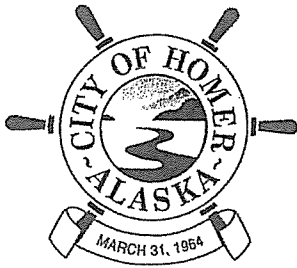
YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney
Date: _____



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 11-122

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: December 7, 2011
SUBJECT: Draft Ordinance 11-xx creating the East End Mixed Use zoning district and amending the zoning map

Requested Action: Conduct a public hearing and make a recommendation to the City Council on:

1. Adoption of the new zoning district text;
2. Amending the zoning map to include the new district.

General Information

This ordinance proposes to create a new zoning district, and amend the zoning map to include the new district boundaries. Staff's review of the text and map amendments is attached as a memorandum to this staff report.

Items Requiring a Motion to Amend, if the Commission wishes to make changes

A. Boundaries

Planning received a letter dated October 4th, from Vikki Simpson. Ms. Simpson requests her lot, immediately south of the boat yard, be included in the new district. If the Commission wishes to amend the district boundaries of this or any parcel, a motion to amend the boundaries is needed.

B. Additional Whereas Clause

Commissioner Highland submitted wording for a whereas in the ordinance. It was received after the ordinance was submitted for legal review. If the Commission wishes to include Ms. Highlands's submittal, please do so by motion.

Whereas, While recognizing value of the existing developed commercial properties, we still need to recognize the importance, values, and functionality of the existing wetlands and discharge slopes.

Public notice and public comments

Public notices were mailed to 155 land owners of 201 properties, including all land owners within the proposed district and those within 300 feet. Notice was published in the newspaper and posted in the kiosks as required by HCC 21.94. One citizen submitted written comments; they are attached. One land

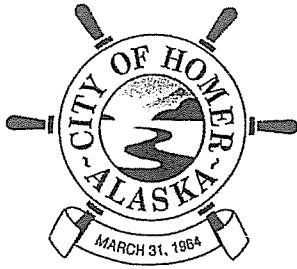
owner within the district called and was in favor of the district and the continuance of commercial zoning.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff recommends the Planning Commission conduct a public hearing, make any desired amendments, and recommend approval to the City Council.

ATTACHMENTS

1. Planning Staff Review per HCC 21.95.040 and 21.95.050
2. Draft ordinance, with attachments
3. Comments from Vikki Simpson
4. Comments from Rika Mouw
5. Comments from Dorothy Melambiankis (hand out at November 2nd meeting)
6. Public Notice



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.cityofhomer-ak.gov

MEMORANDUM

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: December 7, 2011
SUBJECT: Draft Ordinance 11-xx creating the East End Mixed Use zoning district and amending the zoning map

This memo contains the planning staff review of the zoning code amendment and the zoning map amendment as required by HCC 21.95.040 and 21.95.050.

Planning Staff review of the code amendment per 21.95.040

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

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

Staff response: The 2008 Comprehensive Plan Chapter 4 Land Use Goal 1 objective C states: "Develop clear and well-defined land use regulations and update the zoning map in support of the desired pattern of growth." The proposed amendment creates a new mixed use zoning district, as outlined in the Comprehensive Plan. The amendment is consistent with the plan.

b. Will be reasonable to implement and enforce.

Staff response: The district reflects the mixture of land uses that are already present. The new zoning district will be reasonable to implement and enforce.

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

Staff response: The amendment promotes present and future public health, safety and welfare by increasing the amount of land available in the city for the mixture of business uses, with moderate accessory residential activity. This land use pattern as is commonly found within the community but does not commonly fit within current the zoning code.

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

Staff response: This amendment is consistent with the intent, wording and purpose of HCC Title 21. The city attorney has reviewed and amended the ordinance for consistency.

Planning Staff review of the zoning map amendment per 21.95.050

The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: The proposed district and approximate boundaries are shown in the Comprehensive Plan. The zoning map amendment is consistent with and implements the goals of the Comprehensive Plan.

- b.** Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Staff response: The rezone area is better suited to EEMU because a literal interpretation of the the GC1 and GC2 districts does not allow for the range of land use activities that have historically occurred in this area. Some of the area was annexed in 2002, so there are numerous nonconforming uses in the current GC1 zone. Another portion of the district was rezoned from rural residential to GC1, created nonconforming residences. The new zoning district fits the land uses that are found in the area, and also reflects the goals of the Comprehensive Plan.

- c.** Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Staff response: The effect of the development permitted by the map amendment on property within and near the new zoning area will be minimal. The land use patterns of the area have already been established. Part of the area was heavily developed prior to being annexed. The amendment will allow the long established land use patterns to remain as they are. The transportation network will remain unchanged.

- *Environmental impacts.* The area is currently zoned mainly general commercial 1 and general commercial 2. A very small portion is zoned rural residential. The new zoning district does not appreciably change the mix of light and heavy industrial activities allowed. The Comprehensive Plan recognizes the wetland and sensitive areas and recommends a new conservation zoning district south of the East End Mixed Use District. This will be proposed by ordinance in the near future.
- *Transportation.* East End Road and Kachemak Drive are classified as collectors in the 2005 Homer Area Transportation Plan, part of the adopted Comprehensive Plan. The change in zoning is not expected to change current or future traffic patterns. The area is a commercial area now and will continue to generate a comparable amount of traffic in the future.

- *Public services and facilities.* City water and sewer have been installed on East End Road in recent years, and are under construction on Kachemak Drive in the subject area. It is in the interests of the community to have commercial activities located in areas served by fire hydrants. The availability of water increases the fire suppression options available to businesses and area residents and increases public safety. The area is currently service by city police and fire services and the availability of services will not change or be affected by the proposed zoning change.
- *Land use patterns.* The area within the EEMU has long been a commercial area with some housing. That pattern is expected to continue. A pattern of slow commercial growth, with secondary residential development can be expected over the long term. It is in the interest of current land owners to continue this pattern, and in the interests of the community to support continued mixed use development of this part of the city.



CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE DISTRICT, AMENDING HOMER CITY CODE 21.10.010, ZONING DISTRICTS, AND AMENDING THE HOMER ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL, GENERAL COMMERCIAL ONE AND GENERAL COMMERCIAL TWO ZONING DISTRICTS TO EAST END MIXED USE

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69 j. Personal services;
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71 farms and greenhouses;
72 l. Private stables;
73 m. Storage of heavy equipment, vehicles or boats;
74 n. Plumbing, heating and appliance service shops;
75 o. Home occupations on a lot whose principal permitted use is residential, provided
76 they conform to the requirements of HCC § 21.51.010;
77 p. Mortuaries and crematoriums;
78 q. Open air businesses;
79 r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
80 s. Manufacturing, fabrication and assembly;
81 t. Retail businesses;
82 u. Trade, skilled or industrial schools;
83 v. Wholesale businesses, including storage and distribution services incidental to the
84 products to be sold;
85 w. Parks and open space;
86 x. Warehousing, commercial storage and mini-storage;
87 y. Recreational vehicles, subject to the standards in HCC § 21.54.320(a), (b) and (c);
88 z. Dry cleaning, laundry, and self-service laundries;
89 aa. Mobile food services;
90 bb. As an accessory use, one small wind energy system per lot;
91 cc. Production, processing, assembly and packaging of fish, shellfish and seafood
92 products;

- 93 dd. Research and development laboratories;
- 94 ee. Storage and distribution services and facilities, including truck terminals,
- 95 warehouses and storage buildings and yards, contractors' establishments,
- 96 lumberyards and sales, or similar uses;
- 97 ff. Cold storage facilities;
- 98 gg. Mobile commercial structures;
- 99 hh. Single family and duplex dwellings, only as an accessory use incidental to a
- 100 permitted principal use, provided that no permit shall be issued for the
- 101 construction of an accessory dwelling prior to the establishment of the principal
- 102 use;
- 103 ii. The repair, replacement, reconstruction or expansion of a single family or duplex
- 104 dwelling, including a mobile home, that existed lawfully before its inclusion in
- 105 the GC1, GC2 or EEMU zoning districts, notwithstanding any provision of HCC
- 106 Chapter 21.61 to the contrary, provided that a mobile home may not be used to
- 107 replace or expand such a dwelling ;
- 108 jj. Customary accessory uses to any of the uses permitted in the EEMU district that
- 109 are clearly subordinate to the main use of the lot or building, including without
- 110 limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for
- 111 employees; or caretaker or employee dormitory residence if situated on a portion
- 112 of the same lot as the principal use, provided that no permit shall be issued for the
- 113 construction of any type of accessory building prior to the establishment of the
- 114 principal use;
- 115 kk. Taxi operation;
- 116 ll. Itinerant merchants, provided all activities shall be limited to uses permitted
- 117 outright under this zoning district;
- 118 mm. More than one building containing a permitted principal use on a lot;
- 119 nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
- 120 use to a residential use in a manner consistent with the requirements of all other
- 121 provisions of the Homer City Code and as long as such animals are pets of the
- 122 residents of the dwelling and their numbers are such as not to unreasonably annoy
- 123 or disturb occupants of neighboring property.
- 124

125 21.27.030 Conditional uses and structures. The following conditional uses may be
126 permitted in the East End Mixed Use District when authorized by conditional use permit issued
127 in accordance with HCC Chapter 21.71:

- 128 a. Construction camps;
- 129 b. Extractive enterprises, including crushing of gravel, sand and other earth products
- 130 and batch plants for asphalt or concrete;
- 131 c. Auto fueling stations;
- 132 d. Bulk petroleum product storage;
- 133 e. Planned unit developments;
- 134 f. Junk yard;
- 135 g. Kennels;
- 136 h. Public utility facilities and structures;
- 137 i. Impound yards;
- 138 j. Indoor recreational facilities;

- 139 k. Outdoor recreational facilities;
- 140 1. Other uses approved pursuant to HCC § 21.04.020.

141
142 21.27.040 Dimensional requirements. The following dimensional requirements shall
143 apply to all structures and uses in the East End Mixed Use District:

- 144 a. Lot Size.
 - 145 1. The minimum area of a lot that is not served by public sewer or water
 - 146 shall be 40,000 square feet.
 - 147 2. The minimum area of a lot that is served by either a public water supply
 - 148 approved by the State Department of Environmental conservation, or a public or community
 - 149 sewer approved by the State Department of Environmental Conservation, shall be 20,000 square
 - 150 feet.
 - 151 3. The minimum area of a lot that is served by both a public water supply
 - 152 approved by the State Department of Environmental conservation, and a public or community
 - 153 sewer approved by the State Department of Environmental Conservation, shall be 10,000 square
 - 154 feet.

- 155 b. Building Setbacks.
 - 156 1. All buildings shall be set back 20 feet from all dedicated rights-of-way
 - 157 other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been
 - 158 determined to be unsuitable for road construction by resolution of the City Council, all buildings
 - 159 shall be set back from the boundary of the right-of-way according to the number of stories as
 - 160 follows:

| Number of Stories | Setback (in feet) |
|-------------------|-------------------|
| 1 | 5 |
| 1½ | 6 |
| 2 | 7 |
| 2½ | 8 |

- 166 2. The setback requirements from any lot line abutting an alley will be
- 167 determined by the dimensional requirements of subparagraphs (b)(3) and (4);
- 168 3. Buildings shall be set back five feet from all other lot boundary lot lines
- 169 unless adequate firewalls are provided and adequate access to the rear of the building is
- 170 otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State
- 171 Fire Marshal;
- 172 4. Any attached or detached accessory building shall maintain the same yards
- 173 and setbacks as the main building.

- 174 c. Building Height. The maximum building height shall be 35 feet.
- 175 d. No lot shall contain more than 8,000 square feet of building area (all buildings
- 176 combined), nor shall any lot contain building area in excess of 30 percent of the lot area without
- 177 an approved conditional use permit.
- 178 e. Building Area and Dimensions - Retail and Wholesale. The total floor area of
- 179 retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
- 180 No conditional use permit, Planned Unit Development, or variance may be granted that would
- 181 allow a building to exceed the limits of this subparagraph, and no nonconforming use or structure
- 182 may be expanded in any manner that would increase its nonconformity with the limits of this
- 183 subparagraph.
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f. Screening.

1. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

2. Outside storage of materials, equipment and trash/dumpsters adjacent to East End Road and Kachemak Drive shall be screened. Screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East End Mixed Use District shall not be issued by the City without a level two site plan approved by the City under HCC Chapter 21.73.

b. No zoning permit may be granted for any use or structure without a level two right-of-way access plan approved by the City under HCC § 21.73.100.

21.27.060 Traffic Requirements. A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),

b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use;

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

21.27.070 Site Development Requirements. All development on lands in this district shall conform to the level two site development standards set forth in HCC § 21.50.030.

21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of materials and equipment is permitted, subject to the requirement that when a lot abuts a residential zoning district any outdoor storage of materials and equipment on the lot must be screened from the residential district by a wall, fence, or other sight-obscuring material. The screen must be a minimum of eight feet in height.

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

Section 2. Homer City Code 21.10.010, Zoning districts, is amended to read as follows:

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21.10.010 Zoning districts. a. The city is divided into zoning districts. Within each zoning district only uses and structures authorized by this title are allowed.

b. The following zoning districts are hereby established:

| Zone | Abbreviated Designation |
|---------------------------|-------------------------|
| Residential office | RO |
| Rural residential | RR |
| Urban residential | UR |
| Central business district | CBD |
| Town center district | TCD |
| Gateway business district | GBD |
| General commercial 1 | GC1 |
| General commercial 2 | GC2 |
| <u>East end mixed use</u> | <u>EEMU</u> |
| Marine commercial | MC |
| Marine industrial | MI |
| Open space--Recreational | OSR |
| Conservation district | CO |

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c. The zoning district boundaries shall be as shown on the official Homer Zoning Map.

Section 3. The Homer Zoning Map is amended to transfer from the Rural Residential (RR), General Commercial 1 (GC1) and General Commercial 2 (GC2) zoning districts, to the East End Mixed Use (EEMU) district as shown on the attached Exhibit A, the parcels listed on attached Exhibit B

Section 4. The City Planner is authorized to sign the amended Homer Zoning Map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 5. Sections 1 and 2 of this Ordinance are of a permanent and general character and shall be included in the City Code. Section 3 is a non Code Ordinance of a permanent Nature and shall be noted in the Ordinance history of HCC 21.10.030.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



| PARCEL ID | LEGAL |
|-----------|---|
| 17419106 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0970020 COMMERCE PARK RESUB LOT 3 LOT 3-A |
| 17419105 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850014 COMMERCE PARK SUB LOT 5 |
| 17419202 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 3 BLK 1 |
| 17419108 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0970022 COMMERCE PARK 1997 ADDN LOT 1-A |
| 17419104 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850014 COMMERCE PARK SUB LOT 4 |
| 17420120 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 3-A-1 |
| 17420113 | T 6S R 13W SEC 10 SEWARD MERIDIAN HM SE1/4 SE OF FRITZ CREEK DR EXCLUDING DOT ROW |
| 17412009 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 1 |
| 17420117 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 5 |
| 17420306 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0870067 RUMLEY-COLLIE SUB 3 TRACT A-1B |
| 17420103 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 11 |
| 17420208 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 2 |
| 17420212 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 1J |
| 17420314 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2000028 RUMLEY-COLLIE SUB NO 6 TRACT C EXCLUDING DOT ROW |
| 17420220 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2006014 H K DAVIS SUB NO 7 LOT 1B-1 |
| 17419107 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0970020 COMMERCE PARK RESUB LOT 3 LOT 3-B |
| 17420119 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 2-A-1 |
| 17420205 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 4 |
| 17419201 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 4 BLK 1 |
| 17420207 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 14 |
| 17420317 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 4-A-1 |
| 17419223 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0950052 PUFFIN ACRES NO 2 LOT 2B BLK 1 |
| 17420116 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 4 |
| 17420204 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 5 |
| 17420112 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0830031 MOORE-HOLT SUB NO 3 LOT 1-A |
| 17420213 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 1K |
| 17420218 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 1A EXCLUDING DOT ROW |
| 17419111 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2005090 COMMERCE PARK 2005 ADDN LOT 2-A-1 |
| 17420114 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 2 |
| 17420313 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2000028 RUMLEY-COLLIE SUB NO 6 TRACT B |
| 17420115 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0960003 ALASKA TIDELANDS SURVEY NO 1234A LOT 3 |
| 17419204 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0850122 PUFFIN ACRES SUB LOT 1 BLK 1 |
| 17419110 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2005090 COMMERCE PARK 2005 ADDN LOT 2-A-2 |
| 17420315 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 5-A-1 |
| 17420203 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0003064 H K DAVIS SUB AMENDED LOT 6 |
| 17419205 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM PTN E1/2 SWL/4 LYING N OF LT 1 BLK 1 & E OF LT 2 BLK 1 |
| 17420311 | PUFFIN ACRES & S OF EAST ROAD EXCLUDING DOT ROW |
| 17420104 | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0890036 RUMLEY-COLLIE FIVE SUB TRACT A-2B |
| | T 6S R 13W SEC 11 SEWARD MERIDIAN HM 0610049 H K DAVIS SUB AMENDED LOT 12 |

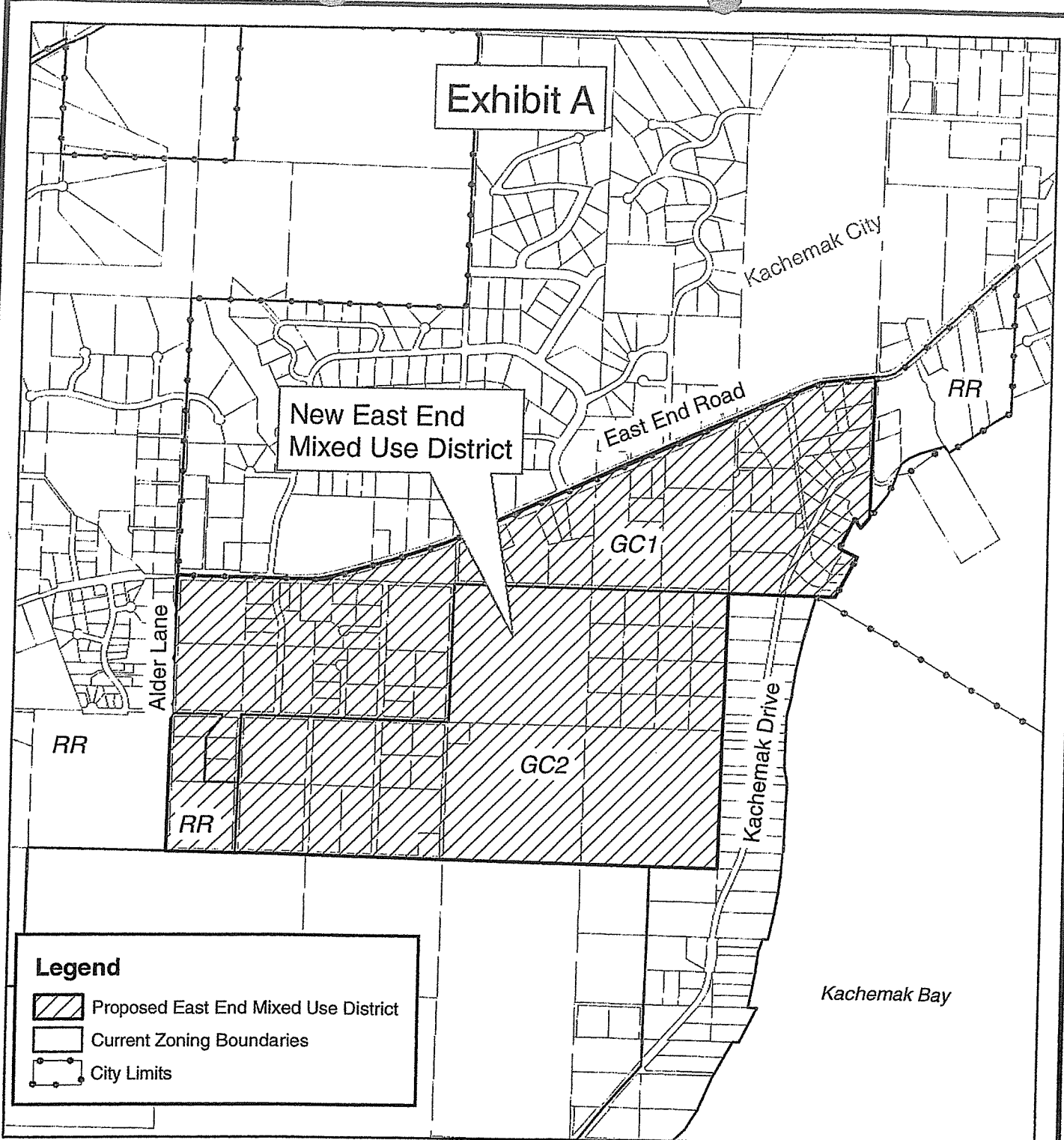
| PARCEL ID | LEGAL | DESCRIPTION |
|-----------|-----------------------------------|--|
| 17420206 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0610049 H K DAVIS SUB AMENDED LOT 3 |
| 17419222 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0950052 PUFFIN ACRES NO 2 LOT 2A BLK 1 |
| 17420201 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0610049 H K DAVIS SUB AMENDED LOT 8 |
| 17420308 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0870069 RUMLEY-COLLIE FOUR SUB TRACT A-3A |
| 17420309 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0870069 RUMLEY - COLLIE FOUR TRACT A-3B |
| 17420202 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0610049 H K DAVIS SUB AMENDED LOT 7 |
| 17420105 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0610049 H K DAVIS SUB AMENDED LOT 13 |
| 17420219 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 0860021 H K DAVIS SUB NO 5 LOT 1L |
| 17420316 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 2002067 NORTHERN ENTERPRISES NO 1 LOT 5-A-2 |
| 17420118 | T 6S R 13W SEC 11 SEWARD MERIDIAN | HM 200069 H K DAVIS SUB NO 6 LOT 15-D |
| 17908023 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 22 |
| 17908031 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM SE1/4 OF NW1/4 |
| 17908002 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 8 |
| 17908047 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM N 208.71 FT OF W 208.71 FT OF SW1/4 NW1/4 |
| 17908001 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 9 |
| 17908030 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM SW1/4 OF NW1/4 EXC N 208.71 FT OF W 208.71 FT |
| 17908011 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 12 |
| 17908010 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 11 |
| 17908018 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 18 |
| 17908025 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 24 |
| 17908004 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 6 |
| 17908015 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 21 |
| 17908016 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 20 |
| 17908017 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 19 |
| 17908026 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 25 |
| 17908009 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 10 |
| 17908003 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 7 |
| 17908012 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM GOVT LOT 13 |
| 17908024 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM NW1/4 OF NW1/4 |
| 17908029 | T 6S R 13W SEC 14 SEWARD MERIDIAN | HM 0700591 TIETJEN SUB TRACT M |
| 17928019 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0731385 TIETJEN SUB TR O RESUB TRACT O-1 |
| 17928023 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0780037 UTTER ACRES SUB LOT 2 |
| 17928045 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0780037 UTTER ACRES SUB LOT 3 |
| 17928046 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0760092 TIETJEN RESUB OF TR C-1 TRACT C-1A |
| 17928040 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0700591 TIETJEN SUB TRACT F-1 |
| 17928010 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0760092 TIETJEN RESUB OF TR C-1 TRACT C-1B |
| 17928041 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0700591 TIETJEN SUB TRACT P EXC THE E 200 FT OF THE S |
| 17928042 | T 6S R 13W SEC 15 SEWARD MERIDIAN | HM 0700591 TIETJEN SUB TRACT P EXC THE E 200 FT OF THE S |

| PARCEL_ID | LEGAL |
|-----------|---|
| 17928001 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM PTN NW1/4 NW1/4 NE1/4 LYING SOUTH OF EAST END ROAD & EAST OF ALDER LANE AKA TRACT A TIETJEN SUB EXCL DOT ROW |
| 17928028 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-3 |
| 17928051 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TR C-2 TRACT C2-D |
| 17928035 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT H-4 |
| 17928014 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT K |
| 17928055 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0860003 TIETJEN SUB NO 7 TRACT I-3 |
| 17928044 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 1 EXCLUDING DOT ROW |
| 17928011 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT E |
| 17928018 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB LOT N |
| 17928027 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-2 |
| 17928029 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-4 |
| 17928054 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0860003 TIETJEN SUB NO 7 TRACT I-2 |
| 17928039 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-3 |
| 17928050 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TRACT C-2 TRACT C-2C |
| 17928020 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0731252 TIETJEN LOT 2-B RESUB LOT B-2B |
| 17928030 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-5 |
| 17928031 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-6 |
| 17928009 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB LOT F-2 |
| 17928059 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2005071 TIETJEN SUB NO 9 LOT 1 |
| 17928006 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT D |
| 17928022 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0731385 TIETJEN SUB TR O RESUB TRACT 0-2 |
| 17928037 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-1 |
| 17928049 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TRACT C-2 TRACT C-2B |
| 17928043 | TR P TH W 200 FT; TH N 217.8 FT; TH E 200 FT; TH S 217.8 FT TO THE POB |
| 17928057 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004063 TIETJEN SUB NO 8 TRACT H-3A |
| 17928004 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM E 312 FT OF W 1477 FT OF N 418.8 FT OF NE1/4 EXC ROAD & EXCLUDING DOT ROW |
| 17928036 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-4 |
| 17928056 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0860003 TIETJEN SUB NO 7 TRACT I-4 |
| 17928026 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-1 |
| 17928048 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780050 TIETJEN RESUB TR C-2 TRACT C2-A |
| 17928060 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2005071 TIETJEN SUB NO 9 LOT 2 |
| 17928013 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0700591 TIETJEN SUB TRACT J |
| 17928032 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT H-1 |
| 17928038 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0760103 TIETJEN RESUB TR L TRACT L-2 |
| 17928033 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT H-2 |
| 17928047 | T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780037 UTTER ACRES SUB LOT 4 |




| PARCEL ID | LEGAL | T | R | SEC | 15 | SEWARD | MERIDIAN | HM | 0860003 | T1ETJEN | SUB | NO | 7 | TRACT | I-5 |
|-----------|-------|---|---|-----|----|--------|----------|----|---------|---------|-----|----|---|-------|-----|
| 17928052 | | | | | | | | | | | | | | | |
| 17928058 | | | | | | | | | | | | | | | |
| 17928053 | | | | | | | | | | | | | | | |

Exhibit A

New East End Mixed Use District



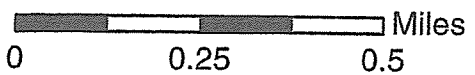
Legend

-  Proposed East End Mixed Use District
-  Current Zoning Boundaries
-  City Limits



City of Homer
Planning and Zoning Department
October 27, 2011

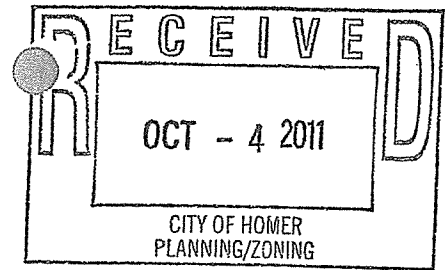
East End Mixed Use Zoning District



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.



October 4, 2011



Homer Planning Department.

It has come to my attention that the Planning Commission is working on a new zoning district called East End Mixed Use.

I own the property at 5057 Kachemak Drive, 179-080-08 which is adjacent to the Northern Enterprise boat yard.

I am writing to ask to be included in the boundary for the new zone. I work on boats and other equipment on my property as well as have my home there. The new Mixed Used zone makes more sense for my property both now and in the future. I understand that my home will be allowed to remain and can be rebuilt or expanded under the new designation.

Please let me know if there is anything further needed from me regarding this request. I am currently working in Cordova so mail is going to my mom's in Ninilchik.

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Vikki A Simpson

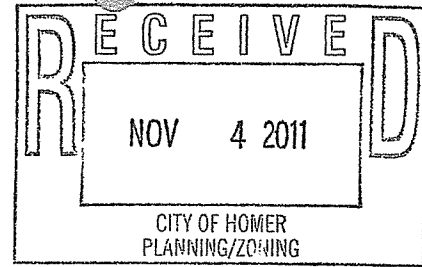
P O Box 39003

Ninilchik, Ak 99639-003

509-540-4634



East End Mixed Use



Relevant text in Comp Plan

Text in EEMU regarding the purpose of that zone

Climate change text regarding Homer

*Identify drainage/riparian corridor and wetlands, 80 acres of borough land.

*Pull western boundary east to avoid splitting up an existing neighborhood

*Overlay the area in the southern part of the district which has no road access, infrastructure is important for flood control, neighborhood connectivity, outdoor recreation, important community values. All development in that area should be conditional. Development in the wetlands is pitting owners towards conflict with the Army Corps. 2 permits have been denied already and successive permits will likely be as well.

Kachemak City just north of East End Road is contiguous and is already developed and has road access. We are all a community and benefit from this combined resources. Imagine EEMU to include Kachemak City. It is already.

Imagine connecting trails to existing outdoor recreation activities (Cottonwood Park, horses, Jack Gist) and neighborhoods to snowshoeing, skiing, access to Beluga Lake, Paul Banks, Calvin & Coyle trail. Imagine off road corridors from East End Road to Beluga Lake, the bike trail on Ocean Drive and into town right in the middle of Homer! Imagine a Central Park in Homer that has the dual purpose of handling flood control, bluff erosion mitigation, wetland filtered waters running into our gem of Kachemak Bay. Imagine the quality of life all would experience by acknowledging that the greatest value of riparian and wetlands are for our community's quality of life.

Comments to the Homer Advisory Planning Commission on the EEMU zoning district

I thank each of the members of this commission for the time and commitment you give to our important planning and community issues. The updated 2010 Comprehensive Plan is a good one and worth supporting. Chapter 4 regarding Land Use issues contains reasonable language all can agree with. There is a paragraph that states,

'Homer's pattern of growth is also greatly influenced by environmental constraints. Steep slopes, bluff and shoreline erosion and wetland areas make development of many parcels costly, difficult and even unfeasible. While difficult for individual development, they can have great value for the community as a whole. Drainage ways, beach areas, or steep erodible slopes can form an integrated open space network ('green infrastructure') which supports the areas that may be developed more intensively. Environmental constraints and opportunities have an important role in guiding the character and location of new growth.'

Goals 2 and 3 articulate the desirability of maintaining the quality of Homer's natural environment and scenic beauty. These goals wisely encourage site development that compliments Homer's beautiful setting and environmental constraints.

Considering the fact that the proposed EEMU district covers varied land types from already developed land on East End Road to completely inaccessible wetlands, I urge the commission to consider a few points to incorporate while shaping the zoning in this area.

- 1) Identify the important Bear Creek/Palmer Creek riparian drainage running through the land on the very western edge of the proposed zoning district. Just north of East End Road this riparian drainage is protected with a conservation easement. It passes under East End Road and then crosses land on Alder Road and continues south through a rural residential neighborhood and drains into 80 acres of borough land recently designated for preservation and then finally into State established critical habitat. **It makes good planning sense to make sure drainage corridors are protected and functioning since flooding is a real concern as climate change studies show that our region will be experience more intense storms in the form of rain. Commercial development is generally more intensive and has a greater negative affect along riparian drainages.** Currently the length of Alder Lane is a residential neighborhood. It makes sense to acknowledge that and maintain this area as a residential

neighborhood. It is destructive to zone break up a neighborhood by zoning one side of a street as residential and the other side as commercial.

- 2) Recognize that the Borough and City of Homer recently identified an 80 acre parcel of land located south and adjacent to the EEMU district, for preservation designation. Certain types of commercialized development adjacent to these 80 acres and the State established critical habitat would negate the efforts the State, Borough and City have identified for conservation.
- 3) Intense commercial development is not equally feasible throughout the EEMU district. An overlay makes sense to recognize the adjacent residential neighborhoods, wetlands, trail connectivity, and remaining moose habitat that have community values equal to or greater than some of the current allowable uses listed for EEMU zoning. **The stated purpose of the EEMU is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. A large part of the EEMU does not have road access or any infrastructure so it does not provide the purpose this zoning professes to accommodate.** It is with this idea that I suggest an 'overlay' area within the district that better addresses the enhancements the Homer community can benefit from. In the overlay area (wetlands and areas without current road access and utilities) all development would fall under conditional.
- 4) Eliminate all conditional uses from the current list except Outdoor Recreational facilities. Would we ever consider another junk yard? Kennels? Impound yards? Bulk petroleum product storage? Extractive enterprises like gravel yards or batch plants for asphalt or concrete?
- 5) Review the list of allowable commercial uses for EEMU with more consideration of what this community really needs and what brings this community a maximum benefit as a whole. What really creates healthy sustainable commercial development that also is a good neighbor to what already exists in the area?

It is within these guidelines I encourage the HAPC to look at the EEMU district with the idea of considering an overlay of different allowable uses within the larger zoning district. Not all areas within the district are equally conducive to the same development menu. Land along East End Road is very different than land in the very southern end of the district where wetlands prevail and are less suited for intensive development while having a greater community value for other purposes.

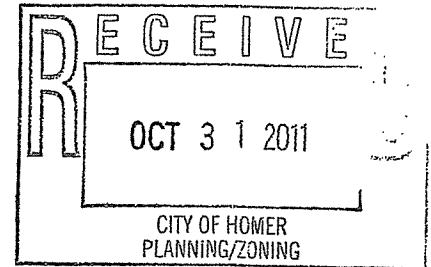
Thank you for your time.

Rika Moww



October 31, 2011

Homer Advisory Planning Commission
City of Homer
491 East Pioneer Avenue
Homer, AK 99603



Dear Commissioners Minsch, Bos, Dolma, Sonneborn, Erickson, Venuti, and Highland:

I am writing to you today to provide some information and to express some concerns regarding the proposed East End Mixed Use Zoning District. This proposed action would affect my residence property at the southeast corner of Alder Lane and Spruce Lane. Unfortunately, I will be out of town during the planned neighborhood meeting to discuss this on November 2, and therefore submit these written comments for your consideration.

Background

I understand that some property owners along Meadow Drive have been experiencing problems when seeking to expand or sell their homes due to the current GC1 zoning. With the exception of some very recent developments along Meadow Drive, the properties are all either vacant or have been residentially or agriculturally developed. I commend the Commission and the Planning Department staff for continuing to work on an acceptable solution for my neighbors, to allow them to improve, sell, and/or finance their properties without the cloud of zoning non-conformity. I also recognize that legitimizing mixed zoning in this area of existing mixed use has a value to the City by allowing uses that will enable economic development and provide affordable land to commercial enterprises.

To the west of the Meadow Drive neighborhood, along Alder Lane, the City has demonstrated changing ideas and intentions over the years. The 1999 Comprehensive Plan showed the area east of Alder Lane and south of Spruce Lane as Rural Residential. This was the basis of a re-zone request for my property in 2005, which was unanimously supported by the Planning Commission and the City Council. Per the minutes of the City Council meeting in 2005, the City Manager stated that "the Commission felt very strongly that [my property] should be a part of [the Rural Residential zoning district]". The 2008 (adopted in 2010) update to the comprehensive plan now shows boundary line adjusted to include my property as acceptable for mixed use, which apparently is the basis for the current proposal.

Concerns with Current Proposal

My primary concern is the change in zoning of the properties along Alder Lane from Rural Residential to EEMU. As stated above, the Rural Residential designation for my property was unanimously supported by the 2005 Planning

Commission and City Council, and based on that re-zone, over the past several years I have invested tens of thousands of dollars improving the property and constructing my primary residence. The proposed zoning change for my lot and the other Rural Residential properties south of me demonstrates an unprecedented reversal of the zoning pattern that the City approved only a handful of years ago.

I understand the desire to enact the recommendations of the newest version on the City's comprehensive plan, which suggests that the boundary between the Rural Residential district and the EEMU district should lie along my west property line instead of my east property line. However, simply the appearance of simplified zoning boundary lines, or blanket adoption of Comprehensive Plan maps, should not be the basis for this change. The broad visions and goals set out in the Comprehensive Plan should be flexibly incorporated to address the facts on the ground. Specifically, the Commission should take into consideration that the Alder Lane neighborhood is different than the Meadow Drive neighborhood. Splitting the zoning along a road, rather than looking at the existing patterns of use and connectivity between the parcels would be unwise in my opinion, and I urge the Commission to take a step back and examine this issue.

Recommendations

1. **Maintain or amend zoning along Alder Lane to make all those parcels part of the Rural Residential district.** These properties are either already developed residentially or are vacant. Keeping properties on both sides of Alder Lane in the same zoning district would also serve to keep a cohesive neighborhood feeling, and reduce the chance for use conflicts on the road and infrastructure in the area. Mixed use zoning along Alder Lane, with residential on one side and industrial on the other side would invite conflict and environmental degradation of this sensitive area. Palmer (Bear) Creek runs through several of these parcels, and industrial development would not be aesthetically, environmentally, or even logistically desirable due to the hydrologic conditions that exist.
2. **Remove parcels currently zoned Rural Residential from the proposed EEMU district.** Rather than expanding allowed uses to address zoning conformity problems identified earlier in this letter, changing the zoning of these Rural Residential parcels would result in a major loss of residential property rights currently held by these landowners. There is no demonstrated need to change the character of this neighborhood to enable high impact commercial or industrial enterprises in Homer.
3. **Allow residences to be replaced, either in the same footprint or a different location, rather than just allow expansion and continuance**

of the existing residences in the proposed EEMU district. Also, if a parcel is currently utilized residentially, allow additional residences on the property if the zoning code would otherwise allow it (outright or through CUP process). If a residential parcel in this district is subdivided, residential development should be allowed on the resulting parcels.

4. **Postpone any additional action on the proposed zoning amendment until landowners and the public have had a chance to review and weigh in on the specific conditions and language of the proposed EEMU zoning district.** Affected landowners and the public should be given more information about what would be allowed and disallowed, to supplement the few sentences provided in the meeting notice. At the very least, the Commission should postpone any action at its November 2 regular meeting, since that would not allow any time for the public to absorb information provided at the open house, or to develop substantive responses.

I am very interested in the results of the November 2 open house and will be closely following the zoning process if and when it advances from this current proposal. I trust that proper consideration of the all the facts relevant to the proposal will allow the Commissioners to address the needs of the City and the two neighborhoods involved without inadvertent adverse effects to some landowners, such as myself.

Thank you for your consideration of my views. I am available to answer any questions you may have on my comments and concerns, please do not hesitate to contact me.

Sincerely,

Dorothy Melambianakis

- (907) 299-2265
- nikolaou_ak@hotmail.com
- PO Box 1733, Homer, AK 99603

Cc: Rick Abboud, City Planner
Julie Engebretsen, Planning Technician



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, December 7, 2011 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE DISTRICT, ADDING THE EAST END MIXED USE DISTRICT TO 21.10.010(b), AND AMENDING THE HOMER ZONING MAP TO REZONE PORTIONS OF THE RURAL RESIDENTIAL, GENERAL COMMERCIAL ONE AND GENERAL COMMERCIAL TWO ZONING DISTRICTS TO EAST END MIXED USE. (The East End Mixed Use District is proposed to be south of East End Road, between Alder Lane and Kachemak Drive, extending south to Bottom Lane.)

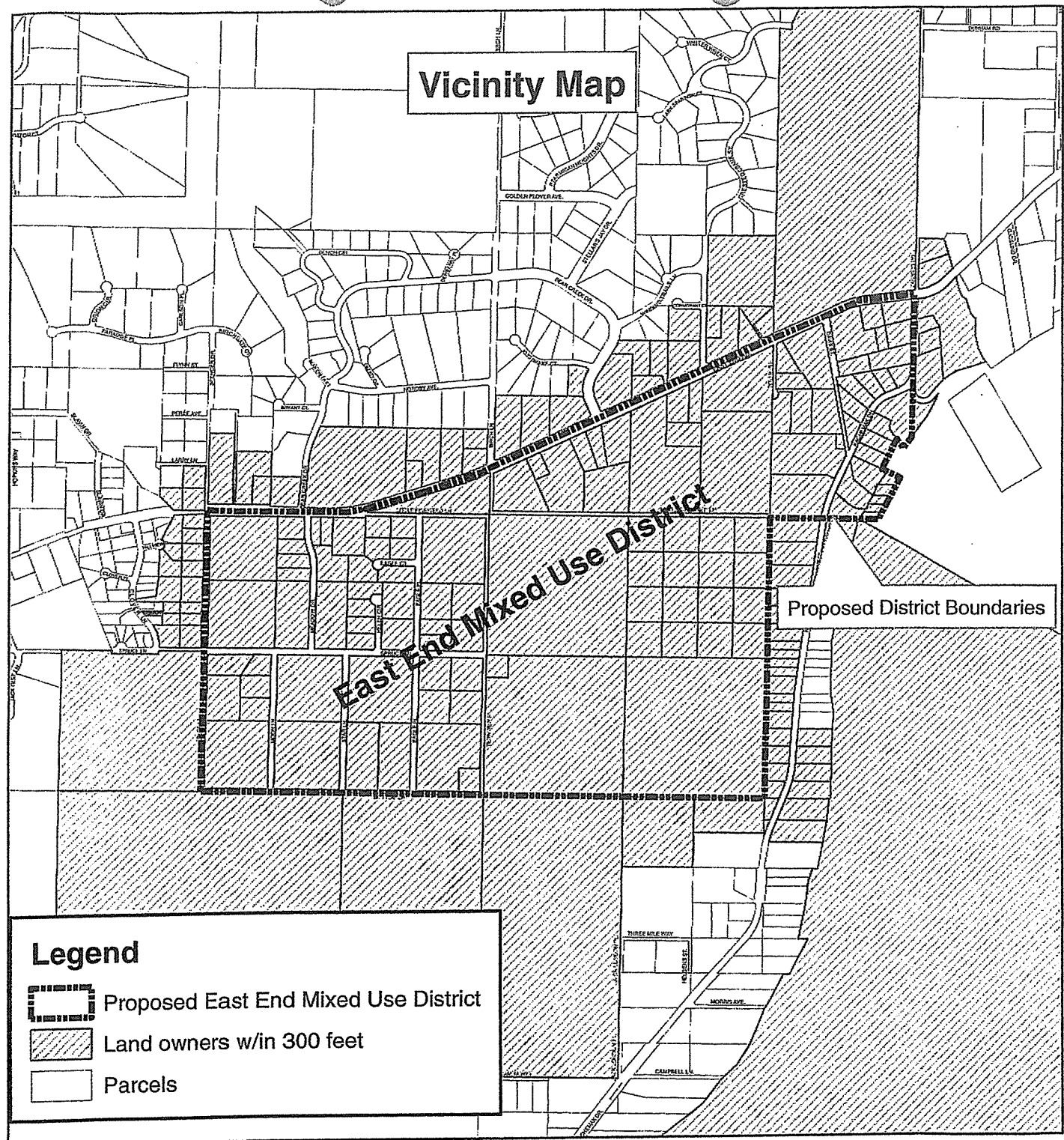
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

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.




Vicinity Map



Legend

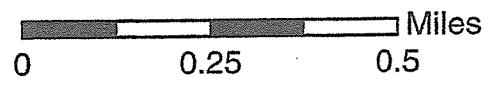
-  Proposed East End Mixed Use District
-  Land owners w/in 300 feet
-  Parcels



City of Homer
 Planning and Zoning Department
 November 17, 2011

Proposed East End Mixed Use (EEMU) Zoning District Boundaries

Land owners w/in 300 feet are 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.



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 11-122, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District

Planning Technician Engebretsen reviewed the staff report.

Rika Mouw commented on behalf of Dorothy Melambianakis, a property owner in the area. She addressed Ms. Melambianakis' letter in the packet that encourages removal of the Rural Residential district from the proposed East End Mixed Use District for the reasoning listed in her letter.

Michael Kennedy, city resident and property owner in the area, expressed opposition to changes to the GC2 District. He explained that it is the only zoning that allows for industry, there is very little land zoned that way, it was created for a reason, and people purchased property in the area because it was the only GC2 zoned land accessible by road. The area was even expanded about 10 years ago. East End Mixed Use is going to make less use of GC2 land that is currently undeveloped. He concurs that Rural Residential should be left out too.

In response to Commission comments that the industrial uses are still allowed as conditional uses, Mr. Kennedy explained that conditional use devalues the property from what was originally allowed out right when people bought their property. When conditions are put on uses, it can make it economically unfeasible to use the land.

Mike Arno, property owner in the area, commented that he would like the zoning to remain the same. He agrees that rural residential does not mix with industrial. He has experienced clashes with neighbors regarding the noise and large trucks going by. The zoning is limited and if we want more business in Homer we have to have an area for it. He expressed concerns regarding conditional uses with residential land owners opposing industrial development making the permitting process even more difficult. More separation is better.

In response to Commission comments that the ordinance states conflicts will be resolved in favor commercial, Mr. Arno said regardless of what the paper says it still creates personality problems and clashes between people.

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

DOLMA/SONNEBORN MOVED TO BRING DRAFT ORDINANCE CREATING THE EAST END MIXED USE ZONING DISTRICT AND AMENDING THE ZONING MAP TO THE FLOOR FOR CONSIDERATION.

There was no opposition expressed and discussion ensued.

HIGHLAND/DOLMA MOVED TO ADD AN ADDITIONAL CLAUSE TO READ WHEREAS WHILE RECOGNIZING VALUE OF THE EXISTING DEVELOPED COMMERCIAL PROPERTIES WE STILL NEED TO RECOGNIZE THE IMPORTANCE, VALUES, AND FUNCTIONALITY OF THE EXISTING WETLANDS AND DISCHARGE SLOPE.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 7, 2011

There was discussion that much of the area is wetlands that serve important uses that weren't recognized in the past, and while there is a need for GC2 there isn't enough land to satisfy all the needs. It was also suggested that people may think it is possible to easily build industrial uses in this area, when it isn't with all the wetlands in the area.

City Planner Abboud explained that whereas clauses should be related to the objective of the ordinance and while this is a thoughtful clause it isn't going to be adopted into the code.

VOTE: YES: HIGHLAND
NO: MINSCH, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion failed.

SONNEBORN/ERICKSON MOVED TO ALTER THE BOUNDARIES OF THE EAST END MIXED USE ARE TO INCLUDE VIKKI SIMPSONS LOT AT 5057 KACHEMAK DRIVE LOT 179-080-08.

There was brief discussion of the request from Ms. Simpson regarding her lot that borders the district.

VOTE: YES: HIGHLAND, SONNEBORN, MINSCH, VENUTI, ERICKSON
NO: DOLMA

Motion carried.

HIGHLAND/ERICKSON MOVED TO LEAVE THE RURAL RESIDENTIAL AS IS IN THE CURRENT ZONING OFF OF ALDER LANE.

There was discussion that the other side of Alder Lane is remaining Rural Residential and the letters from Ms. Melambianakis raises good points as well as other comments regarding changes to this district.

VOTE: YES: SONNEBORN, DOLMA, ERICKSON, HIGHLAND, VENUTI
NO: MINSCH

Motion carried.

DOLMA/SONNEBORN MOVED TO ACCEPT THE AMENDED DRAFT ORDINANCE AND FORWARD IT TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

- A. Staff Report PL 11-120, Barnett Subdivision, Quiet Creek Addition No. 2 Preliminary Plat



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-113

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: November 2, 2011
SUBJECT: East End Mixed Use District

GENERAL INFORMATION

Prior to the regular Planning Commission meeting, there will be a neighborhood open house for the East End Mixed Use District. Staff mailed invitations to land owners in the district, and within 300 feet of the proposed boundary.

Citizens will have the opportunity to comment directly to the Commission on the proposed ordinance under Public Comment on the regular meeting agenda.

The Commission has several options on what to do next. Eventually, there will be a public hearing, and the Commission will make a recommendation to the City Council. There is no timeline for this ordinance; the Commission and the public can take as much or as little time as desired to review the ordinance.

Options:

1. Respond to public comments, and amend the ordinance.
2. Move it to work session/future meeting for more work.
3. Forward the ordinance to public hearing. (Staff will send it through the attorney first)
4. ??

Recommendation:

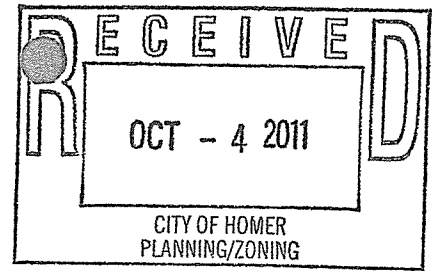
Planning Commission listen to public comments. Either postpone to a work session/next meeting for more work, or forward to public hearing. (Public hearing would be scheduled AFTER the attorney has reviewed the ordinance, so the public hearing may not be at the next meeting).

ATTACHMENTS

1. Request to be included in district from Vikki Simpson (lot south of boat yard, zoned RR)
2. Land owner invitation
3. Draft ordinance



October 4, 2011



Homer Planning Department.

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Vikki A Simpson

P O Box 39003

Ninilchik, Ak 99639-003

509-540-4634





City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3143
E-mail Planning@ci.homer.ak.us
Web Site: www.cityofhomer-ak.gov/planning

You're invited!

City of Homer Planning and Zoning Department Invites You

- What:** Neighborhood Open House
When: Wednesday, November 2nd, 5:30 pm to 6:30 pm. Planning Commission meeting following after.
Where: City Hall Cowles Council Chambers
Why: Learn about new proposed zoning for your area, talk with planners and neighbors.

<http://www.cityofhomer-ak.gov/planning> For maps and more information

Introduction

The 2008 Homer Comprehensive Plan, the city's long range land use plan, promotes industrial and commercial activities in the East End area. The Homer Advisory Planning Commission has been working on new zoning regulations for this area, called the East End Mixed Use District, or EEMU for short.

Where is this new district?

South of East End Road, between Alder Lane, Kachemak Drive and the Airport Critical Habitat Area.

How will the new rules affect General Commercial One lands?

Most general commercial one AND general commercial two land uses will be allowed. All current residences can expand and continue. But, no new homes may be built on vacant land. A business must be established on the property before a home can be built. The goal is for the area to be a business district, not an area for purely residential neighborhoods.

How do I know how the changes will affect my property/business/home?

Planning staff are always available to answer your questions, give us a call, or stop by. We're temporarily located in the old middle school, by the vet clinic.

How can I get involved?

There will be an open house on November 2nd, 2011 between 5:30 pm and 6:30 pm, at City Hall in the Cowles Council Chambers. Immediately after the open house, the Planning Commission meets at 6:30. You can comment directly to the Commission, or provide written comments. Depending on public feedback, the Commission may schedule a future public hearing, or spend more time working on ordinance.

Who decides and what's the process?

The Homer Advisory Planning Commission will hold a public hearing at a future meeting, and make a recommendation to the City Council. The Council makes the final decision.

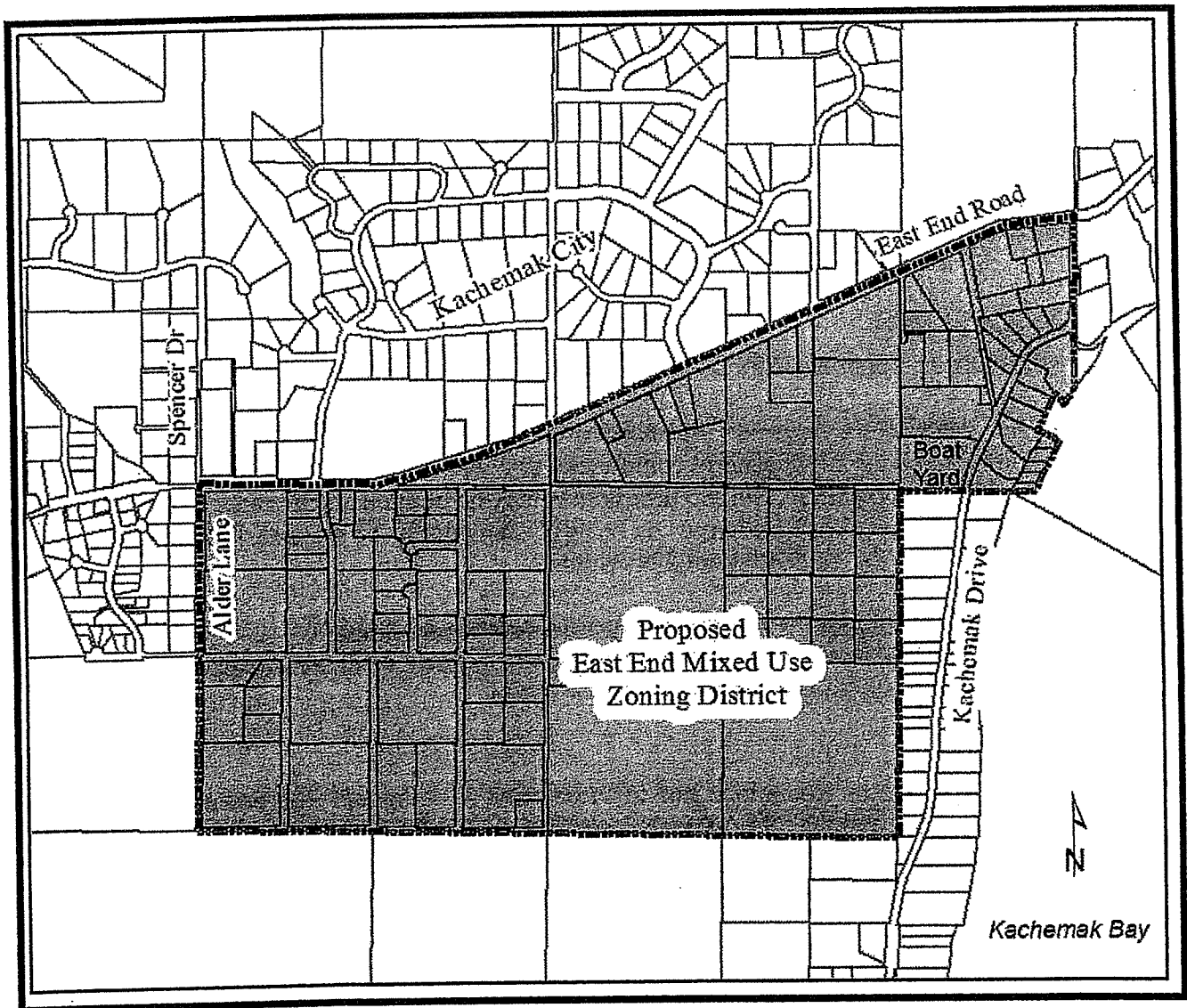
The Planning Commission meets November 2, 16th, and December 7th (first and third Wednesdays). If there is consensus that the new district is acceptable, a public hearing could be scheduled for the 16th or the 7th. You can testify in person, or in writing.

How soon will the change take place?

It will take several months, if not longer. The Planning Commission will hold a public hearing. Depending on testimony received, the Commission may work more on the new district and hold another public hearing. Or if the public has few concerns, they may pass the ordinance on to the City Council. It typically takes three City Council meetings to pass an ordinance, or about 6 weeks.

Who can I call for more information?

Planning and Zoning can be reached at 235-3106



CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE
DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 21.27, East End Mixed Use District, is adopted to read as follows:

Chapter 21.27

EAST END MIXED USE DISTRICT

Sections:

- 21.27.010 Purpose
- 21.27.020 Permitted uses and Structures
- 21.27.030 Conditional Uses and Structures
- 21.27.040 Dimensional requirements
- 21.27.050 Site and Access Plans
- 21.27.060 Traffic Requirements.
- 21.27.070 Site Development Requirements
- 21.27.080 Nuisance standards
- 21.27.090 Lighting Standards

21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with non-residential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of non-residential uses.

21.27.020 Permitted uses and structures. The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter.

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;
- b. Drive-in car washes;
- c. Building supply and equipment sales and rentals;
- d. Garden supplies and greenhouses;

- 46 e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service
- 47 and repair;
- 48 f. Welding and mechanical repair;
- 49 g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 50 h. Religious, cultural, and fraternal assembly;
- 51 i. Studios;
- 52 j. Personal services;
- 53 k. Agricultural activities, including general farming, truck farming, nurseries, tree
- 54 farms and greenhouses;
- 55 l. Private stables;
- 56 m. Storage of heavy equipment, vehicles or boats;
- 57 n. Plumbing, heating and appliance service shops;
- 58 o. Home occupations on a lot whose principal permitted use is residential, provided
- 59 they conform to the requirements of HCC § 21.51.010;
- 60 p. Mortuaries and crematoriums;
- 61 q. Open air businesses;
- 62 r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
- 63 s. Manufacturing, fabrication and assembly;
- 64 t. Retail businesses;
- 65 u. Trade, skilled or industrial schools;
- 66 v. Wholesale businesses, including storage and distribution services incidental to the
- 67 products to be sold;
- 68 w. Parks and open space;
- 69 x. Warehousing, commercial storage and mini-storage;
- 70 y. Recreational vehicles, subject to the standards in HCC § 21.54.320(a), (b) and (c);
- 71 z. Dry cleaning, laundry, and self-service laundries;
- 72 aa. Mobile food services;
- 73 bb. As an accessory use, one small wind energy system per lot;
- 74 cc. Production, processing, assembly and packaging of fish, shellfish and seafood
- 75 products;
- 76 dd. Research and development laboratories;
- 77 ee. Storage and distribution services and facilities, including truck terminals,
- 78 warehouses and storage buildings and yards, contractors' establishments,
- 79 lumberyards and sales, or similar uses;
- 80 ff. Cold storage facilities;
- 81 gg. Mobile commercial structures;
- 82 hh. Single family and duplex dwellings, only as an accessory use incidental to a
- 83 permitted principal use, provided that no permit shall be issued for the
- 84 construction of an accessory dwelling prior to the establishment of the principal
- 85 use;
- 86 ii. The repair, reconstruction or expansion of a single family or duplex dwelling that
- 87 existed lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
- 88 notwithstanding any provision of HCC Chapter 21.61 to the contrary;
- 89 jj. Customary accessory uses to any of the uses permitted in the EEMU district that
- 90 are clearly subordinate to the main use of the lot or building, including without
- 91 limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for

- 92 employees; or caretaker or employee dormitory residence if situated on a portion
93 of the same lot as the principal use, provided that no permit shall be issued for the
94 construction of any type of accessory building prior to the construction of the
95 building that houses the principal use;
- 96 kk. Taxi operation;
 - 97 ll. Itinerant merchants, provided all activities shall be limited to uses permitted
98 outright under this zoning district;
 - 99 mm. More than one building containing a permitted principal use on a lot;
 - 100 nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
101 use to a residential use in a manner consistent with the requirements of all other
102 provisions of the Homer City Code and as long as such animals are pets of the
103 residents of the dwelling and their numbers are such as not to unreasonably annoy
104 or disturb occupants of neighboring property.

106 21.27.030 Conditional uses and structures. The following conditional uses may be
107 permitted in the East End Mixed Use District when authorized by conditional use permit issued
108 in accordance with HCC Chapter 21.71:

- 109 a. Construction camps;
- 110 b. Extractive enterprises, including crushing of gravel, sand and other earth products
111 and batch plants for asphalt or concrete;
- 112 c. Auto fueling stations;
- 113 d. Bulk petroleum product storage;
- 114 e. Planned unit developments;
- 115 f. Junk yard;
- 116 g. Kennels;
- 117 h. Public utility facilities and structures;
- 118 i. Impound yards;
- 119 j. Indoor recreational facilities;
- 120 k. Outdoor recreational facilities;
- 121 l. Other uses approved pursuant to HCC § 21.04.020.

123 21.27.040 Dimensional requirements. The following dimensional requirements shall
124 apply to all structures and uses in the East End Mixed Use District:

- 125 a. Lot Size.
 - 126 1. The minimum area of a lot that is not served by public sewer or water
127 shall be 40,000 square feet.
 - 128 2. The minimum area of a lot that is served by either a public water supply
129 approved by the State Department of Environmental conservation, or a public or community
130 sewer approved by the State Department of Environmental Conservation, shall be 20,000 square
131 feet.
 - 132 3. The minimum area of a lot that is served by both a public water supply
133 approved by the State Department of Environmental conservation, and a public or community
134 sewer approved by the State Department of Environmental Conservation, shall be 10,000 square
135 feet.

b. Building Setbacks.

1. All buildings shall be set back 20 feet from all dedicated rights-of-way other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been determined to be unsuitable for road construction by resolution of the City Council, all buildings shall be set back from the boundary of the right-of-way according to the number of stories as follows:

| Number of Stories | Setback (in feet) |
|-------------------|-------------------|
| 1 | 5 |
| 1½ | 6 |
| 2 | 7 |
| 2½ | 8 |

2. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subparagraphs (b)(3) and (4);

3. Buildings shall be set back five feet from all other lot boundary lot lines unless adequate firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal;

4. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area without an approved conditional use permit.

e. Building Area and Dimensions - Retail and Wholesale. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet. No conditional use permit, Planned Unit Development, or variance may be granted that would allow a building to exceed the limits of this subparagraph, and no nonconforming use or structure may be expanded in any manner that would increase its nonconformity with the limits of this subparagraph.

f. Screening:

1. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

2. Outside storage of materials, equipment and trash/dumpsters adjacent to East End Road and Kachemak Drive shall be screened. Screening may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East End Mixed Use District shall not be issued by the City without a level two site plan approved by the City under HCC Chapter 21.73.

b. No zoning permit may be granted for any use or structure without a level two right-of-way access plan approved by the City under HCC § 21.73.100.

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Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

City Planner Abboud reviewed the staff report.

Rod Engle, applicant, commented that when they laid out the property and built the house they were conscious of borders and setback. They measured from a monument in the cul-de-sac and apparently they didn't have right distance. Dan Gardner came out when they were doing the dirt work and thought it looked close. They stretched a tape and it was within inches of the setback but when the as built done after completion it was about 4 feet in the setback at the south west corner of the garage. Originally the garage was detached but as they were building the house they connected them to make a breezeway under one roof. He noted that because it is in a cul-de-sac, the radius involved more of the area than anticipated.

In response to questions from the Commission, Mr. Engle said he did not have the lot staked out before the project started, he had marked it himself, and that he had all the inspections done during the building process.

Chair Minsch opened the public hearing. There were no comments and the hearing was closed.

VENUTI/BOS MOVED TO ADOPT STAFF REPORT PL 11-112 A REQUEST FOR A VARIANCE OF THE BUILDING SETBACK REQUIREMENTS AT 860 SOUNDVIEW AVENUE, LOT 2, BLOCK 3, FOOTHILLS SUBDIVISION, SUNSET VIEW ESTATES ADDITION NO. 2, PHASE ONE WITH STAFF RECOMMENDATIONS TO DENY THE VARIANCE WITH FINDINGS 1-5.

The Commission acknowledged the challenges that the encroachment causes for the builder and recognized that the shapes of lots in the subdivision aren't ideal; however none of the conditions meet the three requirements in code that would allow them to permit the variance.

VOTE: YES: BOS, MINSCH, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion carried.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PENDING BUSINESS

NEW BUSINESS

- A. Staff Report PL 11-113, An Ordinance of the City Council of Homer, Alaska, enacting Homer City Code Chapter 21.27 East End Mixed Use District

City Planner Abboud reviewed the staff report.

BOS/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS AT THE NEXT WORKSESSION.

There was discussion whether to take this action or to have it come back to them in a public hearing.

VOTE: NO: HIGHLAND, SONNEBORN, MINSCH, VENUTI, ERICKSON, DOLMA, BOS

Motion failed.

MINSCH/BOS MOVED TO HAVE STAFF SEND THIS TO THE ATTORNEY TO REVIEW AND SCHEDULE A PUBLIC HEARING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Budget Report

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Kathryn Hannenberger urged the Commission not to drag their feet and please move forward quickly with the mixed use district. They have been waiting a long time and this change will help her family with their current situation.

COMMENTS OF STAFF

City Planner Abboud said he would get the East End Mixed Use District ordinance to the City Attorney for review and back for public hearing when he gets it back.

COMMENTS OF THE COMMISSION

Commissioner Dolma and Sonneborn had no comments.

Commissioner Venuti commented that he liked the testimony they got at the meetings tonight. He asked if there was a way to get the laydowns sooner before meeting time as he would like more time to review and absorb the information being presented.

Commissioner Bos commended staff for the good information they received this week and Planning Technician Engebretsen for the quality presentation and great job answering questions tonight.

Commissioner Erickson commented that the East End Mixed Use District is a good ordinance and she is glad to see it go through.

Commissioner Highland suggested taking a few minutes before starting the worksessions to review laydown items. She also expressed her desire for harmony and balance between the economy and environment.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-90

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 17, 2011
SUBJECT: Draft East End Mixed Use Ordinance

GENERAL INFORMATION

After reviewing the ordinance at the July 20th meeting, I had the Attorney address some of the concerns that the Commission still had with the ordinance. The latest version of the ordinance includes recent updates from the attorney. I am providing a summary of the changes made since the last version.

Accessory single family and duplex dwellings

hh. It is clear that this only allowed as accessory and incidental to a constructed building housing the principle use.

Repair, reconstruction or expansion of existing single family and duplex

ii. This is now clarified by the attorney. The currently existing and future districts are described that may contain existing single family and duplex dwellings. As long as the existing dwellings were lawfully existing at inception and do not conflict with the provisions of 21.61 they are allowed to continue as a principle permitted use.

No changes to Nonconforming

Condition of AKDEC acceptance

We do not have a proven method of recording and verifying AKDEC acceptance of wastewater systems as it is not something that we currently permit or review. I can show how current code deals with this, but have no recommendation that increases the involvement of the Planning Department. The requirements of wastewater facilities are currently under provisions pertaining to the Public Works Department. Something of this nature would be best regulated by a building/utility inspector and the issuance of a permit of occupancy, something not currently supported or budgeted.

The Planning Department processes zoning applications and part of the application includes HCC 21.70.020 (b)(7) "Copies of any building permits or other permits required by applicable federal, state or local law or regulations."

And Public Works requires AKDEC approval in HCC 14.04.020

14.04.020 Connection--Required. a. No person shall erect any dwelling or commercial or industrial building, except as such may be specifically exempted under the City Code, without providing sewage facilities and connection to the City sewer system; provided, that such connection need not be made if the proposed alternative sanitary facility shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

b. After October 1, 1973, no person shall occupy and no person shall own, maintain or control any structure or premises used as a home, apartment, or other living quarters unless the structure is connected to the City sewer; nor, after October 1, 1973, shall any person occupy, maintain or control any structure or premises used for any commercial, industrial or business use unless the structure is connected to sewer; provided, however, that the provision of this subsection shall not apply if the existing sanitary facilities shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

c. All septic systems now in use or hereafter constructed within the City shall meet the specifications of the Alaska Department of Environmental Conservation.

d. Notwithstanding subparagraphs (a) and (b), water tight vaults are allowed if City Sewer is not available, under the following conditions: 1. Soil conditions prohibit the installation of an on-site drainfield. 2. The vault holds minimum design quantities required by DEC. 3. The tank is regularly pumped to prevent overflow.

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.

f. Cesspools and privies shall not be considered adequate sanitary facilities. (Ord. 94-17(A), 1994; Ord. 90-24(A), 1990)

Signs

I propose that the sign code of the General Commercial Districts be mirror with this district as it is primarily commercial in nature. Refer to sign code columns found in existing code under GC1 or 2, they are identical. The sign code as proposed had added the EEMU District to the table.

Proposed amendment

Screening

I am taking another opportunity to introduce some language that contributes to the responsible development of the significant travel corridors of East End Road and Kachemak Drive. I believe it is in the interests of the continuing development of the city to at least have a minimum of requirement. The Comprehensive Plan prescribes that the EEMU District "Guide use to create/maintain an attractive highway environment (Appendix B, p. B6)." I do interpret this to refer to East End Road and Kachemak Drive. I also find this encourages the "basic landscaping" referred to in the plan. This proposes to only require screening as it relates to the outdoor storage of materials. The proposed amendment gives several different options without being over prescriptive.

f. Screening.

1. When one or more side or rear lot lines abut land within an RO, RR, or UR district or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then

those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

2. Outside storage of materials, equipment and trash/dumpsters adjacent to East End Road and Kachemak Drive shall be screened. Screening material may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.

Zoning Districts and Maps

We will propose and add to the appropriate ordinance an amendment to 21.10, adding EEMU to the list of districts.

LEGISLATIVE PROCEDURES AND AMENDMENTS

INITIATION

The City Planner has initiated this Code Amendment with the concurrence of the Planning Commission for development of the East End Mixed Use District (EEMU) as described in the 2008 City of Homer Comprehensive Plan per HCC 21.95.010.

PLANNING DEPARTMENT REVIEW

Per HCC 21.95.040, The Planning Department shall evaluate each amendment... and may recommend approval only if it finds that the amendment:

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Finding: The EEMU District has been crafted with the guidance given in the 2008 City of Homer Comprehensive Plan, Appendix B, page B6. The district ensures and reserves for the allowance of a wide variety of commercial, industrial and heavy industrial uses while allowing residential opportunities to continue or be developed in coordination with primary commercial and industrial development.

- b. Will be reasonable to implement and enforce.

Finding: The proposed code amendment has been crafted on the basis of existing code and is comparable with the General Commercial 1 and 2 Districts and will be reasonable to implement and enforce.

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

Finding: The EEMU District has been crafted with safeguards in relation to permitted and conditionally permitted uses and structures in addition to reasonable standards for site and access plans as well as requirements in consideration of dimension, traffic, site development, nuisance and lighting.

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

Finding: The City Attorney has drafted the ordinance and reviewed it in consideration of the intent and wording of the provisions found in Homer City Code Title 21.

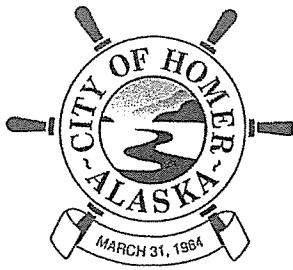
STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Make motion to accept draft EEMU district as amended.
2. Instruct staff to distribute notices and hold public meeting(s) for district as proposed and suggested in the Comprehensive Plan.

ATTACHMENTS

1. 7.27.11 Attorney Edit Draft Ordinance



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Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
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STAFF REPORT PL 11-91

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 17, 2011
SUBJECT: Draft East End Mixed Use Ordinance Map Amendment

GENERAL INFORMATION

The creation of the East End Mixed Used District (EEMU) as suggested in the 2008 Comprehensive Plan involves two actions. One is the creation of the text amendment, which we have spent many hours debating and refining over the last several months. The other action is amending the map itself, which is the focus of this staff report which serves to introduce this subject to the Planning Commission's Regular Agenda, fulfilling the criteria required in code. This staff report includes a draft of the items that will be found in a memo from the Planning Department to the City Council assuming a proposal for a map amendment is forwarded. After receiving public comment the Planning Commission shall submit to the City Council its written recommendation regarding the amendment proposal, along with the Planning Department's comments and recommendations (HCC 21.95.060(d)).

BOUNDARY

In the work sessions, there was a consensus that the discussion of the district boundary for consideration should be the one depicted in the 2008 Homer Comprehensive Plan Land Use Recommendations found on page 4-7. A map will be attached to the ordinance that displays the area for consideration. All notices and invitations to participate in the discussion of the EEMU district will be based on this map.

LEGISLATIVE PROCEDURES AND AMENDMENTS

INITIATION

The City Planner has initiated the Zoning Map Amendment with the concurrence of the Planning Commission, fulfilling the item in the Comprehensive Plan's Land Use Implementation Table, "work with the Comprehensive Plan Land Use Recommendation Map on an area by area basis to determine the feasibility and acceptability of rezoning," per HCC 21.95.020.

PLANNING DEPARTMENT REVIEW OF ZONING MAP AMENDMENT

Per HCC 21.95.050, the Planning Department shall evaluate each amendment to the official zoning map. Approval shall only be recommended if it is found that the amendment:

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Finding: The creation of the EEMU District is a component of fulfilling the second item identified in the 2008 Homer Comprehensive Plan's Land Use Implementation Table. The discussion and recommendations pertaining to the district are based on the area identified for consideration in the Comprehensive Plan Land Use Recommendation Map.

- b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Finding: The Planning Commission found and the Planning Department concurs that the area under consideration for inclusion in the EEMU District is better suited than the existing districts because the current districts are not fully appropriate to the area. Much of the area under consideration is found to have a mix of uses germane to both the General Commercial 1 and 2 Districts. Other parts of the area for consideration has effectively condemned rebuilding of established residential units and offered limited consideration for live work opportunities as well as residential opportunities that support commercial and industrial operations. The proposed district provides a remedy for zoning not found to be appropriate to the proposed district.

- c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Finding: The Planning Department finds that effect of the development permitted under the amendment including the cumulative effect of similar development on property within and in vicinity of the area and on the community is in the community's best interest. Community wide opportunity for commercial and industrial development in Homer is quite constrained with little land available zoned for such. The Planning Department recognizes that some environmental constraints are present in the proposed area and will rely upon decisions made by other governmental agencies such as, the United States Army Corps of Engineers and the Alaska Department of Environment Conservation regarding development in wetlands and approval of wastewater systems. Weighing the aforementioned concern, the Department concludes that the benefits far outweigh concerns of negative impact considering that much of the area proposed for the EEMU District has traditionally supported industrial and commercial activities, has access to arterial roads, and is nearby to current and planned utility infrastructure. The Planning Department finds the proposal in the best interests of the public.

PLANNING COMMISSION REVIEW

The Planning Commission shall review each proposal to amend the zoning map before it is submitted to the City Council. The Planning Department will schedule one or more public hearings and provide a public notice for each in accordance to HCC Chapter 21.94. The Department will provide additional notice in an attempt to ensure that all property owners and nearby neighbors will have an opportunity to comment. After comment the Planning Commission may wish to amend the proposal or not and forward recommendation to the City Council.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Make motion to accept draft EEMU zoning district map for public comment.
2. Recommend that staff distribute notices and hold public meeting(s) for district as proposed and suggested in the Comprehensive Plan.

ATTACHMENTS

1. Map Amendment Ordinance Draft 8.3.11
2. Map



CONSOLIDATE AND BALE SOLID WASTE IN PREPARATION TO TRANSFER TO THE CENTRAL PENINSULA WITH STAFF FINDINGS AND CONDITIONS.

The Commission had brief discussion that the City and Borough have done their parts to address the concerns and meet the requirements for this project.

Commissioner Highland recognized Borough Mayor Carey for his efforts in bringing this to the legislature's attention for funding.

VOTE: YES: BOS, MINSCH, ERICKSON, HIGHLAND, SONNEBORN, VENUTI, DOLMA

Motion carried.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 11-90, Draft Ordinance 11-xx East End Mixed Use District

BOS/DOLMA MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE EAST END MIXED USE DISTRICT.

There was no objection and discussion ensued.

HIGHLAND MOVED TO AMEND TO READ SCREENING: WHEN ONE OR MORE LOT LINES ABUT LAND WITHIN AN RO RR OR UR DISTRICT, OR WHEN A LOT LINE IS ADJACENT TO EAST END ROAD OR KACHEMAK DRIVE, OR WHEN A SIDE OR REAR YARD AREA IS TO BE USED FOR PARKING, LOADING, UNLOADING, OR SERVICING, THEN THOSE YARD AREAS SHALL BE EFFECTIVELY SCREENED BY A WALL, FENCE, OR OTHER SITE OBSCURING SCREENING. SUCH SCREENING SHALL BE OF A HEIGHT ADEQUATE TO SCREEN ACTIVITY ON THE LOT FROM OUTSIDE VIEW BY A PERSON OF AVERAGE HEIGHT STANDING AT STREET LEVEL AND SUCH SCREENING WILL BE GIVEN UP TO TWO YEARS TO IMPLEMENT.

Motion died for lack of a second.

BOS/HIGHLAND MOVED TO ADD ITEM TWO ON STAFF REPORT PAGE 43 OUTSIDE STORAGE OF MATERIALS, EQUIPMENT AND TRASH/DUMPSTERS ADJACENT TO EAST END ROAD AND KACHEMAK DRIVE SHALL BE SCREENED. SCREENING MATERIAL MAY CONSIST OF WALLS, FENCES, LANDSCAPED, BERMS, EVERGREEN PLANTINGS, OR ANY COMBINATION THERE OF.

There brief discussion in favor of the amendment.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ERICKSON/DOLMA MOVED TO ADD THEY WILL BE GIVEN UP TO TWO YEARS TO IMPLEMENT.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 17, 2011

City Planner Abboud commented about legal code language. In other areas of the code it is liberal on how long someone is given to accomplish a site plan, generally a season or more, about an 18 month range. There is a pretty good cushion in place. There are other areas in code that specify timeframes for completions.

VOTE: NO: HIGHLAND, SONNEBORN, MINSCH, VENUTI, ERICKSON, DOLMA, BOS

Motion failed.

There was brief discussion of plantings and using art as buffers.

MINSCH/BOS MOVED TO APPROVE THE DRAFT AS AMENDED AND RECOMMEND STAFF PREPARE IT FOR PUBLIC HEARING.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission recessed at 8:03 p.m. and the meeting resumed at 8:07 p.m.

B. Staff Report PL 11-91, Draft East End Mixed Use Map Amendments

City Planner Abboud reviewed the staff report.

MINSCH/BOS MOVED TO ADOPT THE EAST END MIXED USE MAP AMENDMENTS AND MOVE TO PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-92, Draft Ordinance 11-xx Sign Code Ordinance

BOS/DOLMA MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE EAST END MIXED USE DISTRICT.

There was no objection and discussion ensued.

HIGHLAND/BOS MOVED TO AMEND 21.60.095 ELECTORAL SIGNS MAY NOT EXCEED 16 SQUARE FEET.

There was comment that it is in the best interest of Homer to have the smaller political signs for aesthetics. If the Commission gets other feedback it can be changed.

VOTE: YES: SONNEBORN, MINSCH, HIGHLAND
NO: DOLMA, ERICKSON, BOS, VENUTI

CONSOLIDATE AND BALE SOLID WASTE IN PREPARATION TO TRANSFER TO THE CENTRAL PENINSULA WITH STAFF FINDINGS AND CONDITIONS.

The Commission had brief discussion that the City and Borough have done their parts to address the concerns and meet the requirements for this project.

Commissioner Highland recognized Borough Mayor Carey for his efforts in bringing this to the legislature's attention for funding.

VOTE: YES: BOS, MINSCH, ERICKSON, HIGHLAND, SONNEBORN, VENUTI, DOLMA

Motion carried.

PLAT CONSIDERATION

There were no plats scheduled for consideration.

PENDING BUSINESS

A. Staff Report PL 11-90, Draft Ordinance 11-xx East End Mixed Use District

BOS/DOLMA MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE EAST END MIXED USE DISTRICT.

There was no objection and discussion ensued.

HIGHLAND MOVED TO AMEND TO READ SCREENING: WHEN ONE OR MORE LOT LINES ABUT LAND WITHIN AN RO RR OR UR DISTRICT, OR WHEN A LOT LINE IS ADJACENT TO EAST END ROAD OR KACHEMAK DRIVE, OR WHEN A SIDE OR REAR YARD AREA IS TO BE USED FOR PARKING, LOADING, UNLOADING, OR SERVICING, THEN THOSE YARD AREAS SHALL BE EFFECTIVELY SCREENED BY A WALL, FENCE, OR OTHER SITE OBSCURING SCREENING. SUCH SCREENING SHALL BE OF A HEIGHT ADEQUATE TO SCREEN ACTIVITY ON THE LOT FROM OUTSIDE VIEW BY A PERSON OF AVERAGE HEIGHT STANDING AT STREET LEVEL AND SUCH SCREENING WILL BE GIVEN UP TO TWO YEARS TO IMPLEMENT.

Motion died for lack of a second.

BOS/HIGHLAND MOVED TO ADD ITEM TWO ON STAFF REPORT PAGE 43 OUTSIDE STORAGE OF MATERIALS, EQUIPMENT AND TRASH/DUMPSTERS ADJACENT TO EAST END ROAD AND KACHEMAK DRIVE SHALL BE SCREENED. SCREENING MATERIAL MAY CONSIST OF WALLS, FENCES, LANDSCAPED, BERMS, EVERGREEN PLANTINGS, OR ANY COMBINATION THERE OF.

There brief discussion in favor of the amendment.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ERICKSON/DOLMA MOVED TO ADD THEY WILL BE GIVEN UP TO TWO YEARS TO IMPLEMENT.

City Planner Abboud commented about legal code language. In other areas of the code it is liberal on how long someone is given to accomplish a site plan, generally a season or more, about an 18 month range. There is a pretty good cushion in place. There are other areas in code that specify timeframes for completions.

VOTE: NO: HIGHLAND, SONNEBORN, MINSCH, VENUTI, ERICKSON, DOLMA, BOS

Motion failed.

There was brief discussion of plantings and using art as buffers.

MINSCH/BOS MOVED TO APPROVE THE DRAFT AS AMENDED AND RECOMMEND STAFF PREPARE IT FOR PUBLIC HEARING.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission recessed at 8:03 p.m. and the meeting resumed at 8:07 p.m.

B. Staff Report PL 11-91, Draft East End Mixed Use Map Amendments

City Planner Abboud reviewed the staff report.

MINSCH/BOS MOVED TO ADOPT THE EAST END MIXED USE MAP AMENDMENTS AND MOVE TO PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-92, Draft Ordinance 11-xx Sign Code Ordinance

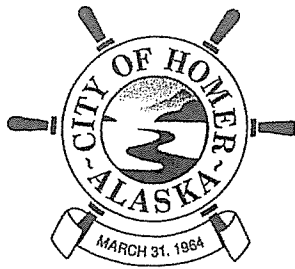
BOS/DOLMA MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE EAST END MIXED USE DISTRICT.

There was no objection and discussion ensued.

HIGHLAND/BOS MOVED TO AMEND 21.60.095 ELECTORAL SIGNS MAY NOT EXCEED 16 SQUARE FEET.

There was comment that it is in the best interest of Homer to have the smaller political signs for aesthetics. If the Commission gets other feedback it can be changed.

VOTE: YES: SONNEBORN, MINSCH, HIGHLAND
NO: DOLMA, ERICKSON, BOS, VENUTI



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-83

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: August 3, 2011
SUBJECT: Draft East End Mixed Use Ordinance

GENERAL INFORMATION

After reviewing the ordinance at the July 20th meeting, I had the Attorney address some of the concerns that the Commission still had with the ordinance. The latest version of the ordinance includes recent updates from the attorney. I am providing a summary of the changes made since the last version. If you still have technical concerns, the attorney is scheduled to teleconference in at the work session for discussion of the sign code and should be able to address concerns about this ordinance also. It would be beneficial to email staff with concerns so that we may pass them along to the attorney, in case research is needed.

Existing single family and duplex dwellings

It is my understanding that that the Commission wished to allow for this existing residential uses to continue with the ability to continue, expand and rebuild without limitation on the original lot of current residential use.

Accessory dwelling

I have asked that the attorney clarify in code that a dwelling is allowed as accessory to an established primary use.

Level 2 Site plan

I found myself to be misleading in the last meeting regarding the level 2 site plan requirements. I interchanged level 2 site plan (HCC 21.73.120) with level 2 site development requirements (HCC 21.50.030).

This ordinance has always included a level 2 site development requirement which is found to be appropriate with commercial development throughout the community. The level 2 site plan is found to be less popular in code to the level 2 site development requirement. The difference between a level 1 site plan and level 2 site plan is the addition of providing the information listed below on a site plan application.

- Pattern of traffic in and out of loading births
- Turning radius
- Location and proposed screening of open storage areas
- Location of utilities

- Proposed signs and lighting
- Basic floor plans
- The location of the site in relation to residential uses and other existing industrial uses on adjacent properties
- Location of snow storage

I believe that this is appropriate information to consider if it pertains to the proposed development. Of course, it is not necessary if found not applicable.

Signs

Although not displayed as of yet, I propose that the sign code of the General Commercial Districts be mirror with this district as it is primarily commercial in nature. Refer to sign code columns found in existing code under GC1 or 2, they are identical.

Revisions

Lines 86-89, hh

- Clarified that single family and duplexes are permitted only prior to establishing a principle use.

Removed - Dwelling units located in buildings primarily devoted to a principal business use;

- I assume that this is duplicate to hh. above, may want to clarify with attorney in works session.

Line 100, ll. comment – this might be not be necessary, in discussion with attorney about our “more than one” he stated that it was not necessary to list this as a primary if references to it as a conditional use were eliminated. I would eliminate this if/when “more than one” is removed from code.

Lines 211-215 – allows nonconforming single family and duplex dwellings to rebuild. May need to clarify if this allows expansion.

Proposed amendment

Screening

After receiving mixed reviews on my concept of buffer requirement, I have formulated the simplest option that would tag along with an existing concept.

f. Screening. When one or more ~~side or rear~~ lot lines abut land within an RO, RR, or UR district, or when a lot line is adjacent to East End Road or Kachemak Drive or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then those ~~side and rear~~ yard areas shall be effectively screened by a wall, fence, or other sight-obscuring screening. Such screening shall be of a height adequate to screen activity on the lot from outside view by a person of average height standing at street level.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Make motion to accept draft EEMU district as amended.
2. Instruct staff to distribute notices and hold public meeting(s) for district as proposed and suggested in the Comprehensive Plan.

ATTACHMENTS

1. 7.27.11 Attorney Edit Draft Ordinance



CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE DISTRICT; AND AMENDING HCC §21.61.030, NONCONFORMING STRUCTURES, REGARDING RECONSTRUCTION OF NONCONFORMING SINGLE FAMILY AND DUPLEX RESIDENTIAL STRUCTURES IN THE EAST END MIXED USE DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 21.27, East End Mixed Use District, is adopted to read as follows:

Chapter 21.27

EAST END MIXED USE DISTRICT

Sections:

- 21.27.010 Purpose
- 21.27.020 Permitted uses and Structures
- 21.27.030 Conditional Uses and Structures
- 21.27.040 Dimensional requirements
- 21.27.050 Site and Access Plans
- 21.27.060 Traffic Requirements.
- 21.27.070 Site Development Requirements
- 21.27.080 Nuisance standards
- 21.27.090 Lighting Standards

21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with non-residential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of non-residential uses.

21.27.020 Permitted uses and structures. The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter.

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;
- b. Drive-in car washes;

- 47 c. Building supply and equipment sales and rentals;
- 48 d. Garden supplies and greenhouses;
- 49 e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service
- 50 and repair;
- 51 f. Welding and mechanical repair;
- 52 g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 53 h. Religious, cultural, and fraternal assembly;
- 54 i. Studios;
- 55 j. Personal services;
- 56 k. Agricultural activities, including general farming, truck farming, nurseries, tree
- 57 farms and greenhouses;
- 58 l. Private stables;
- 59 m. Storage of heavy equipment, vehicles or boats;
- 60 n. Plumbing, heating and appliance service shops;
- 61 o. Home occupations on a lot whose principal permitted use is residential, provided
- 62 they conform to the requirements of HCC § 21.51.010;
- 63 p. Mortuaries and crematoriums;
- 64 q. Open air businesses;
- 65 r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
- 66 s. Manufacturing, fabrication and assembly;
- 67 t. Retail businesses;
- 68 u. Trade, skilled or industrial schools;
- 69 v. Wholesale businesses, including storage and distribution services incidental to the
- 70 products to be sold;
- 71 w. Parks and open space;
- 72 x. Warehousing, commercial storage and mini-storage;
- 73 y. Recreational vehicles, subject to the standards in HCC § 21.54.320.(a), (b) and
- 74 (c);
- 75 z. Dry cleaning, laundry, and self-service laundries;
- 76 aa. Mobile food services;
- 77 bb. As an accessory use, one small wind energy system per lot;
- 78 cc. Production, processing, assembly and packaging of fish, shellfish and seafood
- 79 products;
- 80 dd. Research and development laboratories;
- 81 ee. Storage and distribution services and facilities, including truck terminals,
- 82 warehouses and storage buildings and yards, contractors' establishments,
- 83 lumberyards and sales, or similar uses;
- 84 ff. Cold storage facilities;
- 85 gg. Mobile commercial structures;
- 86 hh. Single family and duplex dwellings, only as an accessory use incidental to a
- 87 permitted principal use, provided that no permit shall not be issued for the
- 88 construction of an accessory dwelling prior to that for the building that houses the
- 89 principal use;
- 90 ii. Customary accessory uses to any of the uses permitted in the EEMU district that
- 91 are clearly subordinate to the main use of the lot or building, including without
- 92 limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for

93 employees; or caretaker or employee dormitory residence if situated on a portion
94 of the principal lot, provided that no permit shall not be issued for the
95 construction of any type of accessory building prior to that for the building that
96 houses the principal use;

97 jj. Taxi operation;

98 kk. Itinerant merchants, provided all activities shall be limited to uses permitted
99 outright under this zoning district;

100 ll. More than one building containing a permitted principal use on a lot;

101 mm. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
102 use to a residential use in a manner consistent with the requirements of all other
103 provisions of the Homer City Code and as long as such animals are pets of the
104 residents of the dwelling and their numbers are such as not to unreasonably annoy
105 or disturb occupants of neighboring property.
106

107 21.27.030 Conditional uses and structures. The following conditional uses may be
108 permitted in the East End Mixed Use District when authorized by conditional use permit issued
109 in accordance with HCC Chapter 21.71:

110 a. Construction camps;

111 b. Extractive enterprises, including crushing of gravel, sand and other earth products
112 and batch plants for asphalt or concrete;

113 c. Auto fueling stations;

114 d. Bulk petroleum product storage;

115 e. Planned unit developments;

116 f. Junk yard;

117 g. Kennels;

118 h. Public utility facilities and structures;

119 i. Impound yards;

120 j. Indoor recreational facilities;

121 k. Outdoor recreational facilities;

122 l. Other uses approved pursuant to HCC § 21.04.020.
123

124 21.27.040 Dimensional requirements. The following dimensional requirements shall
125 apply to all structures and uses in the East End Mixed Use District:

126 a. Lot Size.

127 1. The minimum area of a lot that is not served by public sewer or water
128 shall be 40,000 square feet.

129 2. The minimum area of a lot that is served by either a public water supply
130 approved by the State Department of Environmental conservation, or a public or community
131 sewer approved by the State Department of Environmental Conservation, shall be 20,000 square
132 feet.

133 3. The minimum area of a lot that is served by both a public water supply
134 approved by the State Department of Environmental conservation, and a public or community
135 sewer approved by the State Department of Environmental Conservation, shall be 10,000 square
136 feet.

137 b. Building Setbacks.
 138 1. All buildings shall be set back 20 feet from all dedicated rights-of-way
 139 other than alleys, except that adjacent to rights-of-way that lead to Kachemak Bay and have been
 140 determined to be unsuitable for road construction by resolution of the City Council, all buildings
 141 shall be set back from the boundary of the right-of-way according to the number of stories as
 142 follows:

| Number of Stories | Setback (in feet) |
|-------------------|-------------------|
| 1 | 5 |
| 1½ | 6 |
| 2 | 7 |
| 2½ | 8 |

148 2. The setback requirements from any lot line abutting an alley will be
 149 determined by the dimensional requirements of subparagraphs (b)(3) and (4);

150 3. Buildings shall be set back five feet from all other lot boundary lot lines
 151 unless adequate firewalls are provided and adequate access to the rear of the building is
 152 otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State
 153 Fire Marshal;

154 4. Any attached or detached accessory building shall maintain the same yards
 155 and setbacks as the main building.

156 c. Building Height. The maximum building height shall be 35 feet.

157 d. No lot shall contain more than 8,000 square feet of building area (all buildings
 158 combined), nor shall any lot contain building area in excess of 30 percent of the lot area without
 159 an approved conditional use permit.

160 e. Building Area and Dimensions - Retail and Wholesale. The total floor area of
 161 retail and wholesale business uses within a single building shall not exceed 75,000 square feet.
 162 No conditional use permit, Planned Unit Development, or variance may be granted that would
 163 allow a building to exceed the limits of this subparagraph, and no nonconforming use or structure
 164 may be expanded in any manner that would increase its nonconformity with the limits of this
 165 subparagraph.

166 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or
 167 UR district or when a side or rear yard area is to be used for parking, loading, unloading or
 168 servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or
 169 other sight-obscuring screening. Such screening shall be of a height adequate to screen activity
 170 on the lot from outside view by a person of average height standing at street level.

171
 172
 173 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the
 174 East End Mixed Use District shall not be issued by the City without a level two site plan
 175 approved by the City under HCC Chapter 21.73.

176 b. No zoning permit may be granted for any use or structure without a level two
 177 right-of-way access plan approved by the City under HCC § 21.73.100.

178
 179 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
 180 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

181
182 21.27.070 Site Development Requirements. All development on lands in this district shall
183 conform to the level two site development standards set forth in HCC § 21.50.030.
184

185 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through
186 (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of
187 materials and equipment is permitted, subject to the requirement that when a lot abuts a
188 residential zoning district any outdoor storage of materials and equipment on the lot must be
189 screened from the residential district by a wall, fence, or other sight-obscuring material. The
190 screen must be a minimum of eight feet in height.
191

192 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
193 development, uses, and structures in this zoning district.
194

195 Section 2. HCC §21.61.030, Nonconforming structures, is amended to read as follows:
196

197 21.61.030 Nonconforming structures. A nonconforming structure may be continued so
198 long as it remains otherwise lawful, subject to the following provisions:

199 a. A nonconforming structure may be enlarged or altered, but only if it does not
200 increase its nonconformity;

201 b. If a nonconforming structure is moved for any reason for any distance whatsoever
202 it shall thereafter conform to the code provisions applicable in the zone in which it is located
203 after it is moved;

204 c. If a nonconforming structure or nonconforming portion of a structure is damaged
205 by any means to an extent of more than fifty percent of its replacement cost at time of the
206 damage, it shall not be reconstructed except in conformity with the provisions of Homer City
207 Code.

208 d. If at any time a nonconforming structure is abandoned or brought into conformity
209 with this title, the structure shall thereafter conform to all the regulations of the in which it is
210 located, and the nonconforming structure shall not be allowed to continue in use.

211 e. Notwithstanding subsection (d) of this section, in the East End Mixed Use
212 District, a nonconforming structure that is a single family or duplex dwelling may be
213 reconstructed if damaged, provided that its principal use after reconstruction remains a
214 single family or duplex dwelling, and a zoning permit for the reconstruction is issued no
215 later than 18 months after the date that the damage occurred.
216

217 Section 3. This Ordinance is of a permanent and general character and shall be included
218 in the City Code.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____ 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report PL 11-82, Sign Code Amendments

The Commission continued their discussion from the worksession. They addressed electoral signs, temporary signs, and off premise signs.

B. Staff Report PL 11-76, Draft Resolution Amending the Homer Advisory Planning Commission Bylaws to Change the Regular Meeting Time

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT RESOLUTION OUTLINED IN STAFF REPORT PL 11-76 AND FORWARD TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-77, East End Mixed Use

Chair Minsch explained that the Commission gave staff feedback during the worksession.

NEW BUSINESS

A. Staff Report PL 11-84, More than One Permitted Principal Use on a Lot

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

No objection was expressed and discussion ensued.

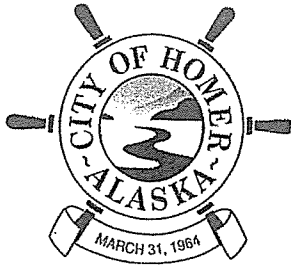
The Commission discussed challenges and concerns regarding density and how it relates to the different districts and the Comprehensive Plan. They began reviewing districts to try to establish if there is enough direction for staff to make a determination rather than bringing it to the Commission with a CUP. The following points were raised:

- Concern was expressed regarding water and septic requirements in rural residential district.
- Staff could permit one additional use, and two or more would come to the Commission.
- Would this include permitting a second 4-plex or rooming house.

Chair Minsch recommended reviewing the Comprehensive Plan. City Planner Abboud appreciated the feed back and will bring a revised recommendation at a future meeting.

INFORMATIONAL MATERIALS





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-77

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: July 20, 2011
SUBJECT: Draft East End Mixed Use Ordinance

GENERAL INFORMATION

The Commission reviewed the ordinance at the June 1st meeting. The ordinance in its current form is a result of consensus suggestions in relation to the last staff report, some staff clean up and other commission suggestions. The current version will have somewhat different reference lines as some things were eliminated, added and the format was cleaned up, so have a close look.

ANALYSIS:

Revisions

Lines 19-21

Changed description of purpose to more closely describe the intent of the district as currently refined.

Permitted uses and structures

- Auto fueling moved to conditional
- l. removed reference to livestock farming along with other conditions regarding the keeping of animals
- m. added private stables
- o. Attorney adjusted after explanation that home occupations were to be permitted for the existing residential.
- r. open air businesses-definition found in code-"Business, open air" or "open air business" means the retail sale or display of merchandise or services, including but not limited to farmers' markets and flea markets, conducted outdoors or under a canopy for protection from the elements and held on a regular or periodic basis. Open air business does not include (1) outdoor display or sales of goods or services by a retail or wholesale business that is principally located in a building, (2) or sales, services or rentals of any kind of boat or motorized vehicle.
- Removed "construction, assembly and storage of boats and boat equipment" because it is duplicate to "f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;"
- hh. Attorney edit to accept existing residential as permitted use
- jj. Merged concepts and tailored for EEMU district, may need tweaking by attorney
- removed private stables

Conditional Uses and Structures

- eliminated multi-family, single family and duplex dwellings, mobile homes, townhouses, shelter for the homeless, group care and assisted living homes
- added c. auto fueling stations
- eliminated above and below ground categories of bulk petroleum storage leaving just the general term
- moved "more than one principle structure" to permitted use
- removed "daycare facilities"

Dimensional requirements and Building setbacks have been adjusted for clarity by the Attorney, with special consideration for ROW that has been determined unsuitable for construction by the City Council as is currently found in the RR district.

Site development requirements

- line 159, added the requirement of a level two site plan. This is a standard requirement in the GC2 district and staff figured that it would be appropriate as this district is discouraging residential. Includes triggers for Development Activity Plans and includes 3ft. of landscaping requirements.

Considerations:

With the addition of a level two site plan, a 3 foot landscaping requirement is required which is undefined and could consist of nothing more than a seeded ditch. The only other landscaping requirement is associated with parking lots of over 24 stalls or perhaps as a requirement of a CUP. In the opinion of staff, this provides inadequate buffer requirements in the case of scenarios where heavy industry may develop along East End Road and not have any buffer requirement that would actually be effective at softening the appearance for those driving through or residing across the street.

We would like the Planning Commission to entertain the concept of a buffer requirement that would include fencing or plantings that provided visual relief of 6 to 8 feet at least along East End Road. A trigger for such could be the creation of impervious in excess of several thousand feet on any lot.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Make motion to accept draft EEMU district as amended.
2. Instruct staff to distribute notices and hold public meeting(s) for district as proposed and suggested in the Comprehensive Plan.

ATTACHMENTS

1. July 12, 2011 Attorney Edit Draft Ordinance

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 11-

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
ENACTING HOMER CITY CODE CHAPTER 21.27, EAST END MIXED USE
DISTRICT.

THE CITY OF HOMER ORDAINS:

Chapter 21.27

EAST END MIXED USE DISTRICT

Sections:

- 21.27.010 Purpose
- 21.27.020 Permitted uses and Structures
- 21.27.030 Conditional Uses and Structures
- 21.27.040 Dimensional requirements
- 21.27.050 Site and Access Plans
- 21.27.060 Traffic Requirements.
- 21.27.070 Site Development Requirements
- 21.27.080 Nuisance standards
- 21.27.090 Lighting Standards

21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of existing and accessory residential with non-residential uses. When a conflict exists between residential and nonresidential uses conflicts shall be resolved in favor of non-residential uses.

21.27.020 Permitted uses and structures. The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter.

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;
- b. Drive-in car washes;
- c. Building supply and equipment sales and rentals;
- d. Garden supplies and greenhouses;
- e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
- f. Welding and mechanical repair;
- g. Restaurants, including drive-in restaurants, clubs and drinking establishments;

- 47 h. Religious, cultural, and fraternal assembly;
48 i. Studios;
49 j. Personal services;
50 k. Agricultural activities, including general farming, truck farming, nurseries, tree
51 farms and greenhouses;
52 l. Private stables;
53 m. Storage of heavy equipment, vehicles or boats;
54 n. Plumbing, heating and appliance service shops;
55 o. Home occupations on a lot whose principal permitted use is residential, provided
56 they conform to the requirements of HCC § 21.51.010;
57 p. Mortuaries and Crematoriums;
58 q. Open air businesses;
59 r. Parking lots and parking garages, in accordance with HCC Chapter 21.55;
60 s. Manufacturing, fabrication and assembly;
61 t. Retail businesses;
62 u. Trade, skilled or industrial schools;
63 v. Wholesale businesses, including storage and distribution services incidental to the
64 products to be sold;
65 w. Parks and open space;
66 x. Warehousing, commercial storage and mini-storage;
67 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.(a), (b)
68 and (c);
69 z. Dry cleaning, laundry, and self-service laundries;
70 aa. Mobile food services;
71 bb. As an accessory use, one small wind energy system per lot;
72 cc. Production, processing, assembly and packaging of fish, shellfish and seafood
73 products;
74 dd. Research and development laboratories;
75 ee. Storage and distribution services and facilities, including truck terminals,
76 warehouses and storage buildings and yards, contractors' establishments,
77 lumberyards and sales, or similar uses;
78 ff. Cold storage facilities;
79 gg. Mobile commercial structures;
80 hh. Single family and duplex dwellings, excluding mobile homes, that existed
81 lawfully on a lot as of the effective date of the ordinance placing the lot in the
82 EEMU district.
83 ii. Dwelling units located in buildings primarily devoted to a principal business use;
84 jj. Customary accessory uses to any of the uses permitted in the EEMU district that
85 are clearly subordinate to the main use of the lot or building, including without
86 limitation wharves, docks, storage facilities, restaurant or cafeteria facilities for
87 employees; or caretaker or employee dormitory residence if situated on a portion
88 of the principal lot: provided that separate permits shall not be issued for the
89 construction of any type of accessory building prior to that of the main building
90 kk. Taxi operation;
91 ll. Itinerant merchants, provided all activities shall be limited to uses permitted
92 outright under this zoning district;

- 93 mm. More than one building containing a permitted principal use on a lot;
- 94 nn. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory
- 95 to a residential use in a manner consistent with the requirements of all other
- 96 provisions of the Homer City Code and as long as such animals are pets of the
- 97 residents of the dwelling and their numbers are such as not to unreasonably annoy
- 98 or disturb occupants of neighboring property.
- 99

100 21.27.030 Conditional uses and structures. The following conditional uses may be
 101 permitted in the East End Mixed Use District when authorized by conditional use permit issued
 102 in accordance with HCC Chapter 21.71:

- 103 a. Construction camps;
- 104 b. Extractive enterprises, including crushing of gravel, sand and other earth products
- 105 and batch plants for asphalt or concrete;
- 106 c. Auto fueling stations;
- 107 d. Bulk petroleum product storage;
- 108 e. Planned unit developments;
- 109 f. Junk yard;
- 110 g. Kennels;
- 111 h. Public utility facilities and structures;
- 112 i. Impound yards;
- 113 j. Indoor recreational facilities;
- 114 k. Outdoor recreational facilities;
- 115 l. Other uses approved pursuant to HCC § 21.04.020.
- 116

117 21.27.040 Dimensional requirements. The following dimensional requirements shall
 118 apply to all structures and uses in the East End Mixed Use District:

119 a. Lot Size.

- 120 1. The minimum area of a lot that is not served by public sewer or water
- 121 shall be 40,000 square feet.
- 122 2. The minimum area of a lot that is served by either a public water supply
- 123 approved by the State Department of Environmental conservation, or a public or community
- 124 sewer approved by the State Department of Environmental Conservation, shall be 20,000 square
- 125 feet.
- 126 3. The minimum area of a lot that is served by both a public water supply
- 127 approved by the State Department of Environmental conservation, and a public or community
- 128 sewer approved by the State Department of Environmental Conservation, shall be 10,000 square
- 129 feet.

130 b. Building Setbacks.

- 131 1. All buildings shall be set back 20 feet from all dedicated rights-of-way,
- 132 except as allowed by subsections (b)(2) and (b)(3);
- 133 2. Adjacent to those rights-of-way that lead to Kachemak Bay and have been
- 134 determined to be unsuitable for road construction by Resolution of the City Council, all buildings
- 135 shall be set back from the boundary of the right-of-way according to the number of stories as
- 136 follows:

| Number of Stories | Setback (in feet) |
|-------------------|-------------------|
| 1 | 5 |

| | |
|----|---|
| 1½ | 6 |
| 2 | 7 |
| 2½ | 8 |

137 3. Alleys are not subject to a 20 foot setback requirement. The setback
 138 requirements from any lot line abutting an alley will be determined by the dimensional
 139 requirements of subparagraphs (b)(4) and (5);

140 4. Buildings shall be set back five feet from all other lot boundary lot lines
 141 unless adequate firewalls are provided and adequate access to the rear of the building is
 142 otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State
 143 Fire Marshal;

144 5. Any attached or detached accessory building shall maintain the same yards
 145 and setbacks as the main building.

146 c. Building Height. The maximum building height shall be 35 feet.

147 d. No lot shall contain more than 8,000 square feet of building area (all buildings
 148 combined), nor shall any lot contain building area in excess of 30 percent of the lot area without
 149 an approved conditional use permit.

150 e. Building Area and Dimensions - Retail and Wholesale.

151 1. The total floor area of retail and wholesale business uses within a single
 152 building shall not exceed 75,000 square feet.

153 2. No conditional use permit, Planned Unit Development, or variance may be
 154 granted that would allow a building to exceed the limits of subparagraphs (e)(1), and no
 155 nonconforming use or structure may be expanded in any manner that would increase its
 156 nonconformity with the limits of subparagraph (e)(1).

157 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or
 158 UR district or when a side or rear yard area is to be used for parking, loading, unloading or
 159 servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or
 160 other sight-obscuring screening. Such screening shall be of a height adequate to screen activity
 161 on the lot from outside view by a person of average height standing at street level.

162
 163 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the
 164 East End Mixed Use District shall not be issued by the City without a level two site plan
 165 approved by the City under HCC Chapter 21.73.

166 b. No zoning permit may be granted for any use or structure without a level two
 167 right-of-way access plan approved by the City under HCC § 21.73.100.

168
 169 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
 170 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

171
 172 21.27.070 Site Development Requirements. All development on lands in this district shall
 173 conform to the level two site development standards set forth in HCC § 21.50.030.

174
 175 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through
 176 (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of
 177 materials and equipment is permitted, subject to the requirement that when a lot abuts a
 178 residential zoning district any outdoor storage of materials and equipment on the lot must be

179 screened from the residential district by a wall, fence, or other sight-obscuring material. The
180 screen must be a minimum of eight feet in height.

181
182 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030
183 apply to all development, uses, and structures in this zoning district.

184
185 Section 2. This Ordinance is of a permanent and general character and shall be included
186 in the City Code.

187
188 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
189 _____ 2011.

190
191 CITY OF HOMER

192
193
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195 _____
196 JAMES C. HORNADAY, MAYOR

197 ATTEST:

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

202
203 YES:

204 NO:

205 ABSTAIN:

206 ABSENT:

207
208 First Reading:

209 Public Hearing:

210 Second Reading:

211 Effective Date:

212
213 Reviewed and approved as to form:

214
215
216 _____
217 Walt E. Wrede, City Manager

218 Date: _____

219

Thomas F. Klinkner, City Attorney

Date: _____



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 11-75, A Request for a Partial Vacation of a Public Right-of-way Adjacent to Spruce Lane at Cooper Subdivision No. 4, Lots 1-5

City Planner Abboud reviewed the staff report.

There was no applicant presentation.

Chair Minsch opened the public hearing. There was no one to testify regarding this action. Chair Minch closed the public hearing.

VENUTI/HIGHLAND MOVED TO ADOPT A PARTIAL VACATION OF THE RIGHT-OF-WAY AS DESCRIBED IN THE PRELIMINARY PLAT DATED 6/24/01 COOPER SUBDIVISION 2011 ADDITION WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

- A. Staff Report PL 11-74, Cooper Subdivision 2011 Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant presentation, no public testimony, and no question for staff.

HIGHLAND/DRUHOT MOVED TO ADOPT STAFF REPORT PL 11-74 COOPER SUBDIVISION 2011 ADDITION PRELIMINARY PLAT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Staff Report PL 11-77, Draft Ordinance 11-xx East End Mixed Use District

City Planner Abboud reviewed the staff report.

HIGHLAND/DRUHOT MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE EAST END MIXED USE DISTRICT.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JULY 20, 2011

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland commented in support of a buffer requirement along East End Road and also suggest the notion to existing businesses to improve the visual impact. She would like to see a buffer for all new development of businesses. When you drive through Wasilla you see what happened without buffers and anything to make visual improvement is a very good concept. She feels very strongly that buffers should be required, it might be different if it pure industrial and commercial, but this is an access into town.

Chair Minsch questioned what would be accomplished by planting a spruce tree for new businesses requiring direct motor vehicle access. They need direct access and need to be seen from the road. If it is a small building that is a permitted use they can exist, we are trying to encourage them and they need to be seen from the road. Larger buildings will require a CUP. She noted the City Hall sign that is covered by bushes and no one can see it. Little signs don't do much.

Commissioner Venuti questioned the purpose behind the rule when the existing properties should meet the same standard. He doesn't see where much improvement is gained by a buffer requirement for new development.

There was discussion about the phase 1 and phase 2 requirements and about issues that trigger the site development standards.

HIGHLAND/VENUTI MOVED TO POSTPONE DISCUSSION TO THE NEXT MEETING.

Chair Minsch asked that it be included on the worksession since buffers haven't been part of the conversation until tonight.

Commissioner Venuti asked staff to consider that buffer could be based on road frontage and bring suggestions back.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

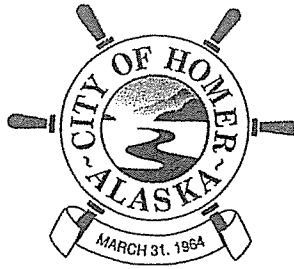
B. Staff Report PL 11-68, Draft Ordinance 11-xx Sign Code Ordinance

City Planner Abboud reviewed the staff report.

HIGHLAND/DRUHOT MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT SIGN ORDINANCE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-59

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 18, 2011
SUBJECT: Draft East End Mixed Use Ordinance

GENERAL INFORMATION

The Commission reviewed the ordinance at the May 4th work session and then postponed the item at the regular meeting. The Commission identified three areas for further work: uses to revisit, residential uses, and district boundaries for the May 4th meeting. The rest of the staff report is the one that was visited at the work session. The Commission should review and make motions on the record of their decisions.

ANALYSIS:

Uses to Revisit:

Permitted uses:

- Production, processing, assembly and packaging of fish, shellfish and seafood products: The Commission wanted to revisit this use due to concerns over odors and waste that might be generated by a cannery or similar operation. Examples of these uses are canneries, smaller custom packing like a Fisherman's Resort, smoking operations, or the packaging and shipping of oysters or preprocessed fish. **Staff comment:** the city dock and fish grinder facilities are on the Spit; hopefully they would attract a large processor. Smaller facilities that do not need direct access to salt water or to unload commercial fishing vessels could be located anywhere (with proper DEC approvals). This can clearly be seen in Anchor Point, Ninilchik, Kasilof and other coastal communities. It is staff's opinion, that processing should be allowed in other locations than the Spit, possibly as a conditional use, and possibly with a square footage limit. **Staff Recommendation:** Allow this use, and decide whether it should be permitted outright, or conditional.
- Public stables and private stables; The Commission eliminated stables, but the ordinance still allows for the raising of livestock (line 37). Horses are livestock according to staff's research. Stables simply regulate the occupancy type of the horse – are horses boarded or for sale in the facility, or not. The elimination of stables means someone can raise horses in a field, but cannot have a building to keep the horses. Horses for sale in a building are defined as a public stable; horses not for sale or boarding in a barn are a private stable. Please refer to zoning code definitions of "agricultural activity," "stable public" and "stable private." **Staff Recommends** allowing public and private stables.

Conditional Uses:

- Bulk petroleum product storage above ground; and Underground bulk petroleum storage. Staff research: a new gas station might have bulk petroleum storage of 20,000 gallons in the Homer market. A tank farm and home delivery fuel company would have more on the order of 40,000 gallons or more. Only two districts in Homer allow for bulk petroleum storage: GC2, and Marine Commercial. Staff received public comment that the Spit is a poor location for a bulk fuel facility (flood zone/earthquake/tsunami hazards); it would be a good idea to allow this activity in another part of the City. Staff also comments that if the 2008 Comprehensive Plan land use map is followed, there will be relatively little GC2 property available for this use. East End Mixed Use will be the main mixed use/industrial zone. IE, if only GC2 land is really viable for a new tank farm, that may not be a large enough area or suitable for this type of facility. **Staff Recommends** that bulk petroleum storage (above or below ground) be a conditional use in the EEMU.
- Impound yards; This activity is allowed only in GC2 under current code. **Staff recommends** it be allowed as a conditional use, as are junk yards, in the EEMU district.
- Day care facilities; provided, however, that outdoor play areas must be fenced. Staff comment: day care facilities (not in home daycare, but a standalone business) are allowed pretty much city wide as a conditional use (from rural residential to GC2). Staff does not have an opinion on if they should be included in the EEMU district.

Residential Uses

Previous discussion: Do not want to see expansion of single family housing as a primary use in this district. This is a mixed use and industrial area.

Question: (NEW CONSTRUCTION) Is a detached structure/home acceptable if there is a primary business activity on the lot? Example: A storage unit, automotive business, or contractor establishment, with a detached home. The home could be employee housing, owner housing or a rental. Staff does not want to regulate who is living in the structure at any given time; it could not be realistically enforced, and nowhere else in code do we regulate occupancy in this way.

- **At Minimum, Staff recommends** allowing the rebuilding of existing lawful non-conforming homes within 1 year of damage. Staff contends the existing housing is not going to 'go away' very quickly. IE people are not tearing them down to build businesses very often. Homes along Kachemak Drive and those associated with commercial businesses have been in place for many years and will continue indefinitely.
- **Staff further recommends** allowing detached dwelling units as an accessory use on a lot with a primary commercial use. Staff and the Commission can further work on defining exactly what 'accessory use' would look like, if the Commission agrees with this idea.

Conditional residential uses, up for discussion (Staff note: generally describes the structure)

- a. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)

- b. Single family and duplex dwellings, including mobile homes (not including mobile home parks)
- c. Townhouses; (these are an architectural and ownership arrangement; if multifamily is allowed, then keep townhouses).
- d. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- e. Group care homes and assisted living homes.

Staff Recommends allowing all these uses and structures.

Permitted outright (Staff note: these are generally USES – this does not describe the STRUCTURE that the activity occurs in)

Items 1 and 2 below mean, IF a CUP was granted for the new residential structure, then the occupants could use the home for these business uses, generally without more permitting.

1. Day care homes; all outdoor play areas must be fenced and provided that a conditional use permit was obtained for the dwelling, if required by HCC § 21.27.030
2. Rooming house and bed and breakfast, provided that a conditional use permit was obtained for the dwelling, if required by HCC § 21.27.030
3. Dormitory
4. Caretaker or dormitory residence (GC2 permitted accessory use, allows for a standalone housing structure)

Staff Recommends allowing all these uses.

District Boundaries

Discussion: The triangle area that was annexed is already fairly densely developed. One of the reasons the boundaries of the EEMU is so large in the comp plan is to better use the area available for a future commercial/mixed use hub for the community, particularly for those businesses that don't need high visibility locations like Ocean Drive. If the new district only encompasses the existing annexed area, that will only address the current zoning issues. We need forward thinking about future growth and development over the next 20 years as outlined in the comp plan. **Staff Recommends** using the district boundaries as shown in the 2008 Comprehensive Plan.

Next steps for staff:

- Send ordinance to attorney for review; then
- Post to city website and mail notice to property owners
- Public outreach over the summer
- Plan for fall neighborhood meetings

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Determine if "Production, processing, assembly and packaging of fish, shellfish and seafood products" should be allowed outright, or conditionally;
2. Allow Bulk petroleum storage (above or below ground) as a conditional use;
3. Allow Impound yards as a conditional use;
4. Allow public and private stables as a permitted use;
5. Allow detached dwelling units as an accessory use on a lot with a primary commercial use. Staff and the Commission can further work on defining exactly what 'accessory use' would look like, if the Commission agrees with this idea.
6. Allow all the permitted and conditional uses and structures in the draft ordinance.
7. Use the district boundaries as shown in the 2008 Comprehensive Plan.

ATTACHMENTS

1. May 4, 2011 Draft Ordinance

May 4, 2011 DRAFTChapter 21.27

EEMU East End Mixed Use District

21.27.010 Purpose21.27.020 Permitted uses and Structures21.27.030 Conditional Uses and Structures21.27.040 Dimensional requirements21.27.050 Site and Access Plans21.27.060 Traffic Requirements.21.27.070 Site Development Requirements.21.27.080 Nuisance standards.21.27.090 Lighting Standards.

21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area. The district is meant to accommodate a mixture of residential and non-residential uses with conflicts being resolved in favor of non-residential uses.

21.27.020 Permitted uses and structures. The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter.

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair,
- b. Auto fueling stations and drive-in car washes;
- c. Building supply and equipment sales and rentals;
- d. Lumberyards;
- e. Garden supplies and greenhouses;
- f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
- g. Welding and mechanical repair;
- h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- i. Religious, cultural, and fraternal assembly;
- j. Studios
- k. Personal services
- l. Agricultural activities, including general farming, truck farming, livestock farming, nurseries, tree farms and greenhouses provided that:
 - 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,
- m. Storage of heavy equipment, vehicles or boats
- n. Plumbing, heating and appliance service shops,
- o. Home occupations, provided they conform to the requirements of HCC § 21.51.010

- 45 p. Mortuaries and Crematoriums;
 46 q. Open air businesses;
 47 r. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 48 s. Manufacturing, fabrication and assembly
 49 t. Retail businesses;
 50 u. Trade, skilled or industrial schools;
 51 v. Wholesale businesses, including storage and distribution services incidental to the
 52 products to be sold;
 53 w. Parks and open space;
 54 x. Warehousing, commercial storage and mini-storage;
 55 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.(a),(b),(c)
 56 (allows storage of an RV as accessory to a dwelling, and for a guest to stay on site up to
 57 90 days a year)
 58 z. Dry cleaning, laundry, and self-service laundries;
 59 aa. Mobile food services;
 60 bb. As an accessory use, one small wind energy system per lot
 61 cc. Production, processing, assembly and packaging of fish, shellfish and seafood products;
 62 **(REVISIT)**
 63 dd. Construction, assembly and storage of boats and boat equipment;
 64 ee. Research and development laboratories;
 65 ff. Storage and distribution services and facilities, including truck terminals, warehouses and
 66 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 67 similar uses;
 68 gg. Cold storage facilities;
 69 hh. Mobile commercial structures;
 70 ii. Dwelling units located in buildings primarily devoted to business uses; (Commission
 71 already agreed to this, during discussion of SR 11-22, February)
 72 jj. *Update HERE for final district uses....this is a placeholder for now!* Customary
 73 accessory uses...(Include residential uses like too!) Accessory uses to the uses permitted
 74 in the EEMU district that are clearly subordinate to the main use of the lot or building,
 75 such as wharves, docks, restaurant or cafeteria facilities for employees; or caretaker or
 76 dormitory residence if situated on a portion of the principal lot: provided that separate
 77 permits shall not be issued for the construction of any type of accessory building prior to
 78 that of the main building.(other code examples: k. Customary accessory uses to any of the
 79 permitted uses listed in the X district, provided that no separate permit shall be issued for the
 80 construction of any detached accessory building prior to that of the main building. Needs
 81 tweaking for open air land uses..ie a tool or storage shed on a lot used for equipment storage)
 82 kk. Taxi operation;
 83 ll. Itinerant merchants, provided all activities shall be limited to uses permitted outright
 84 under this zoning district;
 85 ~~mm. Public and private stables;~~
 86 nn. More than one building containing a permitted principal use on a lot.
 87 oo. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
 88 residential use in a manner consistent with the requirements of all other provisions of the
 89 Homer City Code and as long as such animals are pets of the residents of the dwelling
 90 and their numbers are such as not to unreasonably annoy or disturb occupants of
 91 neighboring property;

92

93 **Residential uses, permitted outright, up for discussion**

- 94 1. Day care homes; all outdoor play areas must be fenced and provided that a
 95 conditional use permit was obtained for the dwelling, if required by HCC
 96 § 21.27.030
 97 2. Rooming house and bed and breakfast, provided that a conditional use permit was
 98 obtained for the dwelling, if required by HCC § 21.27.030
 99 3. Dormitory
 100 4. Caretaker or dormitory residence (GC2 permitted accessory use)

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Conditional residential uses, up for discussion

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- a. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
 b. Single family and duplex dwellings, **including mobile homes (not including mobile home parks)**
 c. Townhouses;
 d. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
 e. Group care homes and assisted living homes.

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21.27.030 Conditional uses and structures. The following uses may be permitted in the East End Mixed Use District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

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- f. Construction camps;
 g. Extractive enterprises, including crushing of gravel, sand and other earth products and batch plants for asphalt or concrete; *(should better spell out noxious uses such as batch plants from more benign uses like sand pile storage for contractors who provide sanding services) (stockpile OK)(screen/landscape for new structures on EERoad)*
 h. Bulk petroleum product storage above ground; Underground bulk petroleum storage; **(Revisit; should a gas station trigger a CUP due to bulk storage, or only a larger facility/tank farm?)**
 i. Planned unit developments,
 j. Junk yard;
 k. Kennels;
 l. Public utility facilities and structures;
 m. Impound yards; (if the stuff is there more than 6 months its junk under code) **(REVISIT)**
 n. More than one building containing a permitted principal use on a lot.
 o. Day care facilities; provided, however, that outdoor play areas must be fenced **(REVISIT)**
 p. Indoor recreational facilities;
 q. Outdoor recreational facilities.
 r. Other uses approved pursuant to HCC § 21.04.020.

135

136 21.27.040 Dimensional requirements. The following dimensional requirements shall apply to all
 137 structures and uses in the East End Mixed Use District:

138 a. Lot Size.

139 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
 140 and water.

141 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
 142 conditions exists:

143 i. The lot is served by public water supply approved by the State Department of
 144 Environmental conservation; or

145 ii. The lot is served by public or community sewer approved by the State
 146 Department of Environmental Conservation.

147 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
 148 public water and sewer that satisfies both conditions of subsection (a)(2).

149 b. Building Setbacks.

150 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
 151 by subsection (b)(3);

152 2. Buildings shall be set back from all other lot boundary lines according to the number
 153 of stories as follows:

154 b. Building Setbacks.

155 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
 156 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
 157 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
 158 (3) below;

159 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
 160 adequate firewalls are provided and adequate access to the rear of the building is otherwise
 161 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
 162 Marshal;

163 3. Any attached or detached accessory building shall maintain the same yards and
 164 setbacks as the main building.

165 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
 166 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
 167 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

168 c. Building Height. The maximum building height shall be 35 feet.

169 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
170 shall any lot contain building area in excess of 30 percent of the lot area without an approved
171 conditional use permit.

172 e. Building Area and Dimensions - Retail and Wholesale.

173 1. The total square feet of floor area of retail and wholesale business uses within a
174 single building shall not shall not exceed 75,000 square feet.

175 2. No conditional use permit, Planned Unit Development, or variance may be
176 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)
177 and no nonconforming use or structure may be expanded in any manner that would increase its
178 nonconformance with the limits of subparagraphs (e)(1), and (2).

179 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR district
180 or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then
181 those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-
182 obscuring screening. Such screening shall be of a height adequate to screen activity on the lot
183 from outside view by a person of average height standing at street level.

184 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
185 End Mixed Use District shall not be issued by the City without a level one site plan approved by
186 the City under HCC Chapter 21.73.

187 b. No zoning permit may be granted for any use or structure without a level two right-of-way
188 access plan approved by the City under HCC § 21.73.100.

189 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
190 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

191 21.27.070 Site Development Requirements. All development on lands in this district shall
192 conform to the level two site development standards set forth in HCC § 21.50.030

193 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a)through (g)(1)
194 apply to all development, uses, and structures in this zoning district. Open storage of materials
195 and equipment is permitted, subject to these exceptions and conditions:

196
197 (a) If a lot abuts a residential zoning district any outdoor storage of materials and equipment on
198 the lot must be screened from the residential district by a wall, fence, or other sight-obscuring
199 material. The screen must be a minimum of eight feet in height.
200

201 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
202 development, uses, and structures in this zoning district.

203 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
204 District dated _____ (attached exhibit A) shall consist of the originally proposed
205 properties and adjoining properties which may by request be included. The City Clerk is
206 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
207 Section 21.10.030 (b).

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 11-60, Draft Ordinance 11-xx, Conservation District
- C. Staff Report PL 11-59, Draft Ordinance 11-xx, East End Mixed Use
- D. Staff Report PL 11-57, Internally Illuminated Signs

HIGHLAND/BOS MOVED TO POSTPONE THE REMAINING AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

No new business items were scheduled.

INFORMATIONAL MATERIALS

- A. City Manager's Report May 9, 2011
- B. Memo Dated May 9, 2011 from Deputy City Clerk Jacobsen to HAPC Regarding Renewal of a Motion
- C. Letter dated May 11, 2011 from Dotti Harness-Foster Planning Technician, to Property or Business Owners Regarding Sandwich Board Signage

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

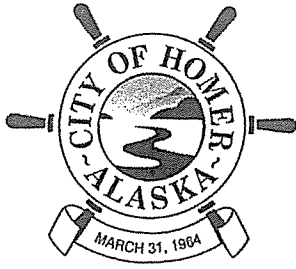
COMMENTS OF STAFF

City Planner Abboud commented that this was a challenging packet. There was a lot of stuff and it was tough, even for him. He received two calls, and expected more, but said that if they feel like they want to change something write it down and let him know. We operate in a lot of areas that are opinions and while he gives it his best shot, if Commissioners disagree then talk to him about it, be prepared to present an alternative, and be ready with a motion to satisfy the change. He appreciates their work and is glad they got as far as they did tonight.

COMMENTS OF THE COMMISSION

There were no Commission comments.





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
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Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-52

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: May 4, 2011
SUBJECT: Draft East End Mixed Use Ordinance

GENERAL INFORMATION

The Commission reviewed the ordinance at the April 20th regular meeting. The Commission identified three areas for further work: uses to revisit, residential uses, and district boundaries.

ANALYSIS:

Uses to Revisit:

Permitted uses:

- Production, processing, assembly and packaging of fish, shellfish and seafood products: The Commission wanted to revisit this use due to concerns over odors and waste that might be generated by a cannery or similar operation. Examples of these uses are canneries, smaller custom packing like a Fisherman's Resort, smoking operations, or the packaging and shipping of oysters or preprocessed fish. **Staff comment:** the city dock and fish grinder facilities are on the Spit; hopefully they would attract a large processor. Smaller facilities that do not need direct access to salt water or to unload commercial fishing vessels could be located anywhere (with proper DEC approvals). This can clearly be seen in Anchor Point, Ninilchik, Kasilof and other coastal communities. It is staff's opinion, that processing should be allowed in other locations than the Spit, possibly as a conditional use, and possibly with a square footage limit. **Staff Recommendation:** Allow this use, and decide whether it should be permitted outright, or conditional.
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- c. Townhouses; (these are an architectural and ownership arrangement; if multifamily is allowed, then keep townhouses).
- d. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- e. Group care homes and assisted living homes.

Staff Recommends allowing all these uses and structures.

Permitted outright (Staff note: these are generally USES – this does not describe the STRUCTURE that the activity occurs in)

Items 1 and 2 below mean, IF a CUP was granted for the new residential structure, then the occupants could use the home for these business uses, generally without more permitting.

1. Day care homes; all outdoor play areas must be fenced and provided that a conditional use permit was obtained for the dwelling, if required by HCC § 21.27.030
2. Rooming house and bed and breakfast, provided that a conditional use permit was obtained for the dwelling, if required by HCC § 21.27.030
3. Dormitory
4. Caretaker or dormitory residence (GC2 permitted accessory use, allows for a standalone housing structure)

Staff Recommends allowing all these uses.

District Boundaries

Discussion: The triangle area that was annexed is already fairly densely developed. One of the reasons the boundaries of the EEMU is so large in the comp plan is to better use the area available for a future commercial/mixed use hub for the community, particularly for those businesses that don't need high visibility locations like Ocean Drive. If the new district only encompasses the existing annexed area, that will only address the current zoning issues. We need forward thinking about future growth and development over the next 20 years as outlined in the comp plan. **Staff Recommends** using the district boundaries as shown in the 2008 Comprehensive Plan.

Next steps for staff:

- Send ordinance to attorney for review; then
- Post to city website and mail notice to property owners
- Public outreach over the summer
- Plan for fall neighborhood meetings

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission

1. Determine if "Production, processing, assembly and packaging of fish, shellfish and seafood products" should be allowed outright, or conditionally;
2. Allow Bulk petroleum storage (above or below ground) as a conditional use;
3. Allow Impound yards as a conditional use;
4. Allow public and private stables as a permitted use;
5. Allow detached dwelling units as an accessory use on a lot with a primary commercial use. Staff and the Commission can further work on defining exactly what 'accessory use' would look like, if the Commission agrees with this idea.
6. Allow all the permitted and conditional uses and structures in the draft ordinance.
7. Use the district boundaries as shown in the 2008 Comprehensive Plan.

ATTACHMENTS

1. May 4, 2011 Draft Ordinance

application comes in. He noted that the issue of the setback to the slope isn't relevant to the purpose of this action.

Commissioner Highland questioned the 3:1 ratio. City Planner Abboud explained that is something dealt with at the Borough and not through Homer City Code. He noted that if a Commission had opposition they could express it for the record. He thinks the relation between the upland and low land area makes the issue negligible.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/VENUTI MOVED TO POSTPONE THE REST OF THE AGENDA TO GO INTO DELIBERATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- A. Staff Report PL 11-52, Draft Ordinance 11-xx East End Mixed Use
- B. Staff Report PL 11-45, Draft Ordinance Amending Chapter 21.34, Conservation District

NEW BUSINESS

- B. Staff Report PL 11-57, Internally Lit Signs
POSTPONED.

INFORMATIONAL MATERIALS

- A. City Manager's Report April 11, 2011
- B. 'Planning Made Easy' Excerpt of Chapter 5- Ethics

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

Deputy City Clerk Jacobsen recommended that the Commission become familiar with the dollar amounts outlined in the Ethics portion of City Code specific to conflicts of interest. Code outlines \$1000 per occurrence or \$5000 per year. So if a Commissioner states that there is the potential to earn more than \$1000 then that is the Commission's cue that there is in fact a conflict per Homer City Code. It doesn't matter if you ask if a Commissioner can make an unbiased decision and they say yes. A no vote for a conflict of interest cannot be justified when a commissioner states that the amount, if hired, would exceed \$1000. She said if the

Commissioner Highland questioned if she misunderstood the question based on the result of the vote. Deputy City Clerk stated that a yes vote means that you agree that Commissioner Venuti has a conflict because of his potential financial gain.

Chair Minsch called for a short break at 8:19 p.m. to review code regarding the conflict of interest parameters. The meeting resumed at 8:27 p.m.

Chair Minsch expressed that the options are for Commissioner Dolma to reconsider or the Commission could vote to postpone. Commissioner Dolma asked for clarification about the effect of reconsideration and he was advised that it would bring the question of Commissioner Venuti's conflict back to the floor for further consideration.

BOS/HIGHLAND MOVED TO POSTPONE ACTION ON CUP 11-07 FOR ALASKA BIBLE INSTITUTE TO THE NEXT MEETING.

There was brief discussion.

VOTE: YES: HIGHLAND, MINSCH, VENUTI, DOLMA, BOS

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 11-51, Bollenbach (N/C) Preliminary Plat

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, commented that he wants to make sure they understand the name of the subdivision will not be Bollenbach Subdivision, but the applicant has not come up with her final name. He explained that they are taking property that was portions of three government lots and vacating those common lot lines and creating two side by side lots out of the three. Both lots will front on Kachemak Drive and Kachemak Bay. They will be asking for an exception to the Borough's 3:1 portion of the code for length to width ratio. As is common in these types of lots that have an upland area, steep bluff, and beach frontage, the upland area does meet the 3:1 ratio so he feels they have a good argument for the exception.

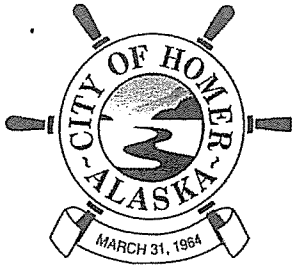
Amy Bollenbach, property owner, commented that she is trying to make the land more useable. The original lot lines don't make any sense and it will be more saleable to have two lots with access to the road and the waterway.

There were no further public comments.

Commissioner Venuti noted that after subdivision another structure can not be built within 40 feet of the bluff.

BOS/DOLMA MOVED TO ADOPT STAFF REPORT PL 11-51.

Chair Minsch commented that if this is approved then the structure presently on the edge of the bluff becomes nonconforming. City Planner Abboud noted that if an application comes in to build, consideration will have to be given to what is happening with the lot at the time the



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-41

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: April 6, 2011
SUBJECT: Draft Ordinance 11-xx East End Mixed use

Requested action: Please summarize the outcome of the work session discussion during the regular meeting, and make any motions during the regular meeting, so there will be a written record of your work.

Generally: This is the district described in the Comprehensive Plan; it is always a good idea to be familiar with that discussion. The current GC1 and GC2 designations do not incorporate the wide range of activities currently found in operation in the designated area. We are trying to relax regulations to accommodate and encourage a wide range of commercial activities, while allowing some allowance of residential.

Comprehensive Plan:

E-MU ("EAST END MIXED USE")

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services and the airport, and to ensure such uses, which are important to Homer's economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses, examples include industrial, marine-oriented, construction services (including batch plants), storage and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment
- **Development standards include:**
 - Minimal – basic guidelines for parking, setbacks
 - Encourage basic landscaping
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation

retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line, and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

Review: According to the discussion at the last meeting, I have made a list of items and my understanding of their support. Please review these and correct as necessary.

1. Support was shown for residential as an accessory use to commercial.
 - Residential may be allowed in a separate structure apart from business
2. More than one principle permitted structure may be permitted through Planning Office until HCC requirements indicate a CUP is necessary.
3. Retail store size recommendation will be made in a motion.
4. Business will not be required to screen for residences.
 - But may be required to provide some basic screening/landscaping for arterials and other rights of way.
5. Current Residential (Refer to and discuss information on residential nonconforming found in packet)
 - Allow to rebuild
 - Encourage stick replacement of mobile homes
 - Allow expansion of existing residential within physical requirements of code
 - Accessory only, not outright – commercial first

Underground Storage Tanks: Research shows that the State has registration and inspection requirements. Staff does not suggest any additional local regulations.

Definition of Studio found in code, “Studio” means a room, rooms or building where an artist or photographer does work, a place where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or television programs are produced or where recordings are made.

Dry Cleaning chemicals are hazardous and information collected on the State’s DEC included, (Note: Disposal practices once considered standard are no longer legal. Dry cleaners today use significantly less solvent and the dry cleaning machines are now closed-loop systems, meaning no discharge from the machine to the sewer. The solvent must be properly collected in the machine and disposed of in a controlled manner.) I did not get specific information related to the implementation of directive.

STAFF COMMENTS/RECOMMENDATIONS:

1. Discuss the items in this report and make any amendments by motion.
2. Summarize any work session discussion on the record during the regular meeting. (please!!)

Attachments:
Dotti's email



From: Dotti Harness [<mailto:DHarness@cl.homer.ak.us>]
Sent: Friday, March 18, 2011 3:52 PM
To: Steele, William E (DEC)
Subject: Underground fuel tanks

Bill,

Homer's Planning Commission asked for general regulators for underground fuel storage tanks. I have reviewed the DEC website for underground fuel tanks and it's overwhelming and hard to put in a 'nutshell.'

They also asked about regulations for dry cleaners.

Is there a 'nutshell' document (1-2 pages) for fuel tanks? and dry cleaners?

Dotti Harness-Foster

From: Steele, William E (DEC) [<mailto:bill.steele@alaska.gov>]
Sent: Monday, March 21, 2011 7:07 AM
To: Dotti Harness
Subject: RE: Underground fuel tanks

Good morning,

We do not currently have a "nutshell" document for UST requirements. I will attempt to do that for you.

Basically any underground storage tank that holds any type of petroleum or petroleum based product is required by federal and state statute and regulations to be registered with the state. The only exception to this requirement are underground storage tanks holding fuel oil for a heating system that is solely used on the premises where stored.

Dry cleaners that use petroleum based solvents such as stoddard solvent are required to register the tank.

Regulated underground storage tanks and associated piping are required to meet minimum requirements for inspection, leak detection, leak prevention, and corrosion protection. Installation and inspection must be done by state certified UST workers. All tanks are also required to meet minimum financial responsibility requirements.

There is a \$50 per year per tank registration fee and each tank is required to be third party inspected every three years.

If you wish more specific information regarding any requirement, please let me know.

Bill Steele
TTF Section Manager
ADEC/SPAR/TTF
(907) 269-7886
Bill.Steele@alaska.gov



1 March 2, 2011 DRAFT

2 Chapter 21.27

3
4 EEMU East End Mixed Use District

5
6 21.27.010 Purpose

7 21.27.020 Permitted uses and Structures

8 21.27.030 Conditional Uses and Structures

9 21.27.040 Dimensional requirements

10 21.27.050 Site and Access Plans

11 21.27.060 Traffic Requirements

12 21.27.070 Site Development Requirements

13 21.27.080 Nuisance standards

14 21.27.090 Lighting Standards

15
16
17 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide
18 sites for businesses that require direct motor vehicle access and may require larger land area.
19 The district is meant to accommodate a mixture of residential and non-residential uses with
20 conflicts being resolved in favor of non-residential uses.

21 21.27.020 Permitted uses and structures. The following uses are permitted outright in the East
22 End Mixed Use District, except when such use requires a conditional use permit by reason of
23 size, traffic volumes, or other reasons set forth in this chapter.

- 24 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and
25 repair;
- 26 b. Auto fueling stations and drive-in car washes;
- 27 c. Building supply and equipment sales and rentals;
- 28 d. Lumberyards;
- 29 e. Garden supplies and greenhouses;
- 30 f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and
31 repair;
- 32 g. Welding and mechanical repair;
- 33 h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 34 i. Religious, cultural, and fraternal assembly;
- 35 j. Studios
- 36 k. Personal services
- 37 l. Agricultural activities, including general farming, truck farming, livestock farming,
38 nurseries, tree farms and greenhouses provided that:
39 Other than normal household pets, no poultry or livestock may be housed and no
40 fenced runs may be located within one hundred feet of any residence other than
41 the dwelling on the same lot,
- 42 m. Storage of heavy equipment, vehicles or boats over 36 feet in length ~~as an accessory use~~
43 ~~incidental to a permitted or conditionally permitted principal use;~~
- 44 n. Plumbing, heating and appliance service shops,

- 45 o. Home occupations, provided they conform to the requirements of HCC § 21.51.010
 46 p. Mortuaries and Crematoriums;
 47 q. Open air businesses;
 48 r. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 49 s. Manufacturing, fabrication and assembly and assembly of ~~pottery, ceramics, musical~~
 50 ~~instruments, toys, novelties, furniture, small molded products and electronic equipment,~~
 51 ~~instruments, equipment and devices;~~
 52 t. Retail businesses;
 53 u. Trade, skilled or industrial schools;
 54 v. Wholesale businesses, including storage and distribution services incidental to the
 55 products to be sold;
 56 w. Parks and open space;
 57 x. Warehousing, commercial storage and mini-storage;
 58 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 59 z. Dry cleaning, laundry, and self-service laundries;
 60 aa. Mobile food services;
 61 bb. Day care homes; all outdoor play areas must be fenced and provided that a conditional
 62 use permit was obtained for the dwelling, if required by HCC § 21.27.030
 63 cc. Rooming house and bed and breakfast, provided that a conditional use permit was
 64 obtained for the dwelling, if required by HCC § 21.27.030
 65 dd. Dormitory
 66 ee. As an accessory use, one small wind energy system per lot
 67 ff. Production, processing, assembly and packaging of fish, shellfish and seafood products;
 68 gg. Construction, assembly and storage of boats and boat equipment;
 69 hh. Research and development laboratories;
 70 ii. Storage and distribution services and facilities, including truck terminals, warehouses and
 71 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 72 similar uses;
 73 jj. Underground bulk petroleum storage;
 74 kk. Cold storage facilities;
 75 ll. Mobile commercial structures;
 76 mm. Dwelling units located in buildings primarily devoted to business uses;
 77 nn. *Update HERE for final district uses...this is a placeholder for now! Customary*
 78 *accessory uses...(Include residential uses like too!) Accessory uses to the uses permitted*
 79 *in the EEMU district that are clearly subordinate to the main use of the lot or building,*
 80 *such as wharves, docks, restaurant or cafeteria facilities for employees; or caretaker or*
 81 *dormitory residence if situated on a portion of the principal lot; provided that separate*
 82 *permits shall not be issued for the construction of any type of accessory building prior to*
 83 *that of the main building.(other code examples: k. Customary accessory uses to any of the*
 84 *permitted uses listed in the X district, provided that no separate permit shall be issued for the*
 85 *construction of any detached accessory building prior to that of the main building. Needs*
 86 *tweaking for open air land uses..ie a tool or storage shed on a lot used for equipment storage)*
 87 oo. Taxi operation;
 88 pp. Itinerant merchants, provided all activities shall be limited to uses permitted outright
 89 under this zoning district;
 90 qq. Public and private stables;

rr. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a residential use in a manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

21.27.030 Conditional uses and structures. The following uses may be permitted in the East End Mixed Use District when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Construction camps;
- b. Extractive enterprises, including crushing of gravel, sand and other earth products and batch plants for asphalt or concrete; *(should better spell out noxious uses such as batch plants from more benign uses like sand pile storage for contractors who provide sanding services) (stockpile OK)(screen/landscape for new structures on EERoad)*
- c. Bulk petroleum product storage above ground;
- d. Planned unit developments,
- e. Junk yard;
- f. Kennels;
- g. Public utility facilities and structures;
- h. Impound yards; *(allow outright w screening? Stuff is supposed to move in an impound yard as opposed to long term storage in a junk yard?)*
- i. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;
- j. More than one building containing a permitted principal use on a lot. Allow outright?
- k. Day care facilities; provided, however, that outdoor play areas must be fenced.
- l. Group care homes and assisted living homes.
- m. Indoor recreational facilities;
- n. Outdoor recreational facilities.
- o. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
- p. Single family and duplex dwellings, **including mobile homes**
- q. Townhouses;
- r. Other uses approved pursuant to HCC § 21.04.020.

Comment DE1: After discussion about residential uses in GCU in general, staff thinks allowing individual mobile homes in the EEMU is appropriate. This does NOT allow mobile home parks, which is 2 or more mobile homes on a lot.

21.27.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the East End Mixed Use District:

a. Lot Size.

1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer and water.

2. Each lot shall contain a minimum of 20,000 square feet if one of the following conditions exists:

i. The lot is served by public water supply approved by the State Department of Environmental conservation; or

132 ii. The lot is served by public or community sewer approved by the State
 133 Department of Environmental Conservation.

134 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
 135 public water and sewer that satisfies both conditions of subsection (a)(2).

136 b. Building Setbacks.

137 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
 138 by subsection (b)(3);

139 2. Buildings shall be set back from all other lot boundary lines according to the number
 140 of stories as follows:

141 b. Building Setbacks.

142 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
 143 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
 144 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
 145 (3) below;

146 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
 147 adequate firewalls are provided and adequate access to the rear of the building is otherwise
 148 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
 149 Marshal;

150 3. Any attached or detached accessory building shall maintain the same yards and
 151 setbacks as the main building.

152 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
 153 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
 154 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

155 c. Building Height. The maximum building height shall be 35 feet.

156 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
 157 shall any lot contain building area in excess of 30 percent of the lot area without an approved
 158 conditional use permit.

159 e. Building Area and Dimensions - Retail and Wholesale.

160 1. The total square feet of floor area of retail and wholesale business uses within a
 161 single building shall not shall not exceed 75,000 square feet.

162 2. No conditional use permit, Planned Unit Development, or variance may be
 163 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)

164 and no nonconforming use or structure may be expanded in any manner that would increase its
165 nonconformance with the limits of subparagraphs (e)(1), and (2).

166 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR district
167 or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then
168 those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-
169 obscuring screening. Such screening shall be of a height adequate to screen activity on the lot
170 from outside view by a person of average height standing at street level.

171 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
172 End Mixed Use District shall not be issued by the City without a level one site plan approved by
173 the City under HCC Chapter 21.73.

174 b. No zoning permit may be granted for any use or structure without a level two right-of-way
175 access plan approved by the City under HCC § 21.73.100.

176 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
177 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

178 21.27.070 Site Development Requirements. All development on lands in this district shall
179 conform to the level two site development standards set forth in HCC § 21.50.030

180 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a) through (g)(1)
181 apply to all development, uses, and structures in this zoning district. Open storage of materials
182 and equipment is permitted, subject to these exceptions and conditions:

183
184 (a) If a lot abuts a residential zoning district ~~or abuts a lot that lawfully contains a dwelling~~
185 ~~unit~~, any outdoor storage of materials and equipment on the lot must be screened from the
186 residential ~~lot or~~ district by a wall, fence, or other sight-obscuring material. The screen must be a
187 minimum of eight feet in height.
188

189 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
190 development, uses, and structures in this zoning district.

191 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
192 District dated _____ (attached exhibit A) shall consist of the originally proposed
193 properties and adjoining properties which may by request be included. The City Clerk is
194 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
195 Section 21.10.030 (b).



MINSCH/BOS MOVED THAT COMMERCIAL TEMPORARY SIGNS SHALL NOT BE ALLOWED.

Sandwich boards and temporary signs for the cruise ship is a big part of what is driving the signs, along with the economy, but the signs are multiplying quickly. We have been trying to deal with them and get them out of the right-of-way without a lot of success. Planning Technician Harness-Foster noted that she is trying to find a bridge by limiting the hours they can be out. There was discussion of possible options to allow sandwich board signs. Other comments included starting with not allowing them at all and see where it goes. The solution to the sandwich board issue is for the business to have a free standing sign.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Planning Technician Harness-Foster noted that according to code temporary signs could include banners.

Banner discussion included comments that they should not be allowed. There were also comments that the banner could be fixed to a permanent rigid frame, attached to a building, included in the allowable square footage for a sign, and not attached to a deck. Staff noted that there are locations of buildings on Pioneer Avenue like the Hillas Building and the Captains Coffee building with a combination of wood signs and banners on railings.

MINSCH/BOS MOVED THAT ANY LIGHT WEIGHT FABRIC OR SIMILAR MATERIAL FOR A BANNER TYPE SIGN MUST BE MOUNTED TO A BUILDING BY A PERMANENT RIGID FRAME ON ALL SIDES AND INCLUDED IN A BUILDINGS SIGNAGE ALLOWANCE.

There was question whether the deck railing is considered part of a building and if they can be affixed to decks. The question wasn't resolved but it was noted they can revisit this when the amendments come back.

VOTE: YES: BOS, VENUTI, HIGHLAND, DOLMA, MINSCH
NO: DRUHOT

Motion carried.

DOLMA/VENUTI MOVED THAT BANNERS AND V TYPE SANDWICH BOARD SIGNS BE IN COMPLIANCE IN ONE YEAR AND NOT THREE YEARS.

It was noted that the temporary signs, like sandwich boards and banners are not going to be permitted once Council approves this.

VOTE: NO: BOS, MINSCH, HIGHLAND, DRUHOT, VENUTI, DOLMA

Motion failed.

B. Staff Report PL 11-35, Draft Ordinance 11-xx East End Mixed Use

City Planner Abboud reviewed the staff report.

MINSCH/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING EAST END MIXED USE DRAFT ORDINANCE.

Chair Minch expressed her thought that they should focus on the area out east that was annexed. The rest of the areas that are GC1 and GC2 can be addressed in a different discussion.

Commissioner Bos suggested leaving the zoning as it is today and no mixed use zoning.

The discussions that took place during the comprehensive plan discussions were to look at this area and decide what parts need to be changed and in what fashion. There is a wide range of GC1 and GC2 uses in the triangle area that was annexed. The boundary lines are flexible, but it has to follow in line with the comprehensive plan, or the plan has to be revised. The draft ordinance shows what uses will be allowed in the mixed use district and the Commission needs to establish if they want those uses throughout the entire East End GC1 and GC2 areas, or just the annexed triangle.

BOS/DOLMA MOVED TO POSTPONE THIS TO THE NEXT WORKSESSION.

There was discussion that there seems to be some confusion between what was discussed in the worksession about nonconforming and the agenda item for a mixed use district.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

No new business items were scheduled.

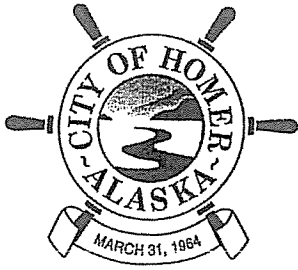
INFORMATIONAL MATERIALS

A. City Manager's Report

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Merlin Cordes, city resident, commented that he was involved with the sign code back in 1993 and 96 and had to rewrite a lot of it. He questioned what perspective they are looking at this from. As a business owner it would be much different than from the outside looking in. Why is everyone so concerned about limiting business and the operation of the business when it is the tax dollar that pays for a lot of stuff around here. What's an eyesore to one can be a beauty to someone else. It is like we bend over backwards to limit and make more rules and regulations on things. He wonders at times if we are really getting anywhere. Further he hopes the upper triangle is mixed use and the lower area has something different with it. These houses were built when it was rural residential and it should go back to rural residential. If anyone here would have lost \$7,000 to \$8,000 last year just because zoning wouldn't permit your sale you wouldn't be sitting as quiet as his client has been sitting. He just doesn't have the money for a lawyer to make a law suit. This can be handled and taken care of. Mr. Cordes said he presented some ideas to City Council last June. Change the East



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
 Fax (907) 235-3118
 E-mail Planning@ci.homer.ak.us
 Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-35

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 16, 2011
SUBJECT: Draft Ordinance 11-xx East End Mixed use

Requested action: Please summarize the outcome of the work session discussion during the regular meeting, and make any motions during the regular meeting, so there will be a written record of your work.

GENERAL INFORMATION

The Commission requested information on the number of parcels and how many homes are in the proposed district.

According to the KPB tax assessor, there are 155 lots, and 216 structures. There may be multiple homes (or cabins) on one lot. "Other" is any other structure that is not a dwelling or mobile home.

| | | Number | Percent | |
|------------|--------------|--------|---------|---------------------------|
| STRUCTURES | Dwelling | 35 | 16.20 | 24.07 (Residential total) |
| | Mobile homes | 17 | 7.87 | |
| | Other | 164 | 75.93 | |
| | | | | |
| | Total | 216 | 100.00 | |

Residential Uses

From the last work session discussion, it was apparent the PC did not want to see more home construction on individual lots – as in, no increase in the number of single family homes on lots without some sort of commercial activity. Staff recommends discussing if a single family home (meaning it is a detached structure) is acceptable on a lot that has another primary use – ie there is a business or business related activity on the lot.

This may seem like a fine line, but the issue for staff is, code already allows apartments or attached housing units in commercial buildings. (Code language from GC1: Dwelling units located in buildings

primarily devoted to business uses.) For new construction on a commercial lot with a commercial business/activity, do we really care if someone wants to build a detached dwelling, instead of attached? We have a settlement pattern in this district that has detached housing that is sometimes accessory to a main business (especially in the annexed area). Is this a problem and why?

Examples:

A greenhouse business, selling vegetable starts, and the owner wants to live on site. Should the home be attached to a greenhouse? Or can the home be detached?

A contractor has lot where he stores sand for winter sanding services, keeps a million dollars worth of machinery for the business, and performs maintenance. He'd like someone living on site as a watchman or caretaker, to keep an eye on things. Should the dwelling be attached to a connex that he uses for storage, to fit in the zoning code? Or can it be a standalone cabin?

Other discussion items:

1. More than one building containing a principle permitted use on a lot. Please discuss whether this should remain a conditional use, or if it should be permitted outright. Recall that more than 8,000 square feet of building area, or 30% lot coverage, will also trigger a conditional use permit. Staff recommends it be permitted outright. Please make a motion if the Commission would like this to be a permitted rather than a conditional use.

2. Large retail and wholesale size limits. The store size limits in the ordinance are the same that are in effect now in GC1 for the East End Road area: 75,000 square feet - or about double the size of the Gear Shed. If the Commission wants to change this number, please make a motion.

e. Building Area and Dimensions - Retail and Wholesale.

1. The total square feet of floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.

3. Screening from dwelling units. Staff drafted language based on Commission discussion. At a previous work session, the Commission discussed the nuisance requirements for 21.59.010, (g)(2). The code requires screening of materials and storage from residential zones (which the Commission wanted to keep) and screening from lots that had a lawful dwelling unit. Since this is a mixed use district, a dwelling unit could apartment in a commercial building. Code could be interpreted to mean that if a home/dwelling is constructed, an existing business would then need to screen their operations from the home, even though the business was there first. The Commission agreed this district is primarily a business district and businesses should not have to screen operations after the fact if someone decides to build next door. Suggested language:

21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a)through (g)(1) apply to all development, uses, and structures in this zoning district. Open storage of materials and equipment is permitted, subject to these exceptions and conditions:

(a) If a lot abuts a residential zoning district ~~or abuts a lot that lawfully contains a dwelling unit~~, any outdoor storage of materials and equipment on the lot must be screened from the residential ~~lot or~~ district by a wall, fence, or other sight-obscuring material. The screen must be a minimum of eight feet in height.

STAFF COMMENTS/RECOMMENDATIONS:

1. Schedule a work session (or the next work session) to take a field trip to the EEMU area.
2. Discuss the items in this report and make any amendments by motion.
3. Summarize any work session discussion on the record during the regular meeting. (please!!)



1 March 2, 2011 DRAFT

2 Chapter 21.27

3
4 EEMU East End Mixed Use District

5
6 21.27.010 Purpose

7 21.27.020 Permitted uses and Structures

8 21.27.030 Conditional Uses and Structures

9 21.27.040 Dimensional requirements

10 21.27.050 Site and Access Plans

11 21.27.060 Traffic Requirements.

12 21.27.070 Site Development Requirements.

13 21.27.080 Nuisance standards.

14 21.27.090 Lighting Standards.

15
16
17 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide
18 sites for businesses that require direct motor vehicle access and may require larger land area.
19 The district is meant to accommodate a mixture of residential and non-residential uses with
20 conflicts being resolved in favor of non-residential uses.

21 21.27.020 Permitted uses and structures. The following uses are permitted outright in the East
22 End Mixed Use District, except when such use requires a conditional use permit by reason of
23 size, traffic volumes, or other reasons set forth in this chapter.

- 24 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and
- 25 repair,
- 26 b. Auto fueling stations and drive-in car washes;
- 27 c. Building supply and equipment sales and rentals;
- 28 d. Lumberyards;
- 29 e. Garden supplies and greenhouses;
- 30 f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and
- 31 repair;
- 32 g. Welding and mechanical repair;
- 33 h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- 34 i. Religious, cultural, and fraternal assembly;
- 35 j. Studios
- 36 k. Personal services
- 37 l. Agricultural activities, including general farming, truck farming, livestock farming,
- 38 nurseries, tree farms and greenhouses provided that:
- 39 Other than normal household pets, no poultry or livestock may be housed and no
- 40 fenced runs may be located within one hundred feet of any residence other than
- 41 the dwelling on the same lot,
- 42 m. Storage of heavy equipment, vehicles or boats over 36 feet in length ~~as an accessory use~~
- 43 ~~incidental to a permitted or conditionally permitted principal use;~~
- 44 n. Plumbing, heating and appliance service shops,

- 45 o. Home occupations, provided they conform to the requirements of HCC § 21.51.010
 46 p. Mortuaries and Crematoriums;
 47 q. Open air businesses;
 48 r. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 49 s. Manufacturing, fabrication and assembly and assembly of ~~pottery, ceramics, musical~~
 50 ~~instruments, toys, novelties, furniture, small molded products and electronic equipment,~~
 51 ~~instruments, equipment and devices;~~
 52 t. Retail businesses;
 53 u. Trade, skilled or industrial schools;
 54 v. Wholesale businesses, including storage and distribution services incidental to the
 55 products to be sold;
 56 w. Parks and open space;
 57 x. Warehousing, commercial storage and mini-storage;
 58 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 59 z. Dry cleaning, laundry, and self-service laundries;
 60 aa. Mobile food services;
 61 bb. Day care homes; all outdoor play areas must be fenced and provided that a conditional
 62 use permit was obtained for the dwelling, if required by HCC § 21.27.030
 63 cc. Rooming house and bed and breakfast, provided that a conditional use permit was
 64 obtained for the dwelling, if required by HCC § 21.27.030
 65 dd. Dormitory
 66 ee. As an accessory use, one small wind energy system per lot
 67 ff. Production, processing, assembly and packaging of fish, shellfish and seafood products;
 68 gg. Construction, assembly and storage of boats and boat equipment;
 69 hh. Research and development laboratories;
 70 ii. Storage and distribution services and facilities, including truck terminals, warehouses and
 71 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 72 similar uses;
 73 jj. Underground bulk petroleum storage;
 74 kk. Cold storage facilities;
 75 ll. Mobile commercial structures;
 76 mm. Dwelling units located in buildings primarily devoted to business uses;
 77 mn. *Update HERE for final district uses....this is a placeholder for now! Customary*
 78 *accessory uses...(Include residential uses like tool!)Accessory uses to the uses permitted*
 79 *in the EEMU district that are clearly subordinate to the main use of the lot or building,*
 80 *such as wharves, docks, restaurant or cafeteria facilities for employees; or caretaker or*
 81 *dormitory residence if situated on a portion of the principal lot; provided that separate*
 82 *permits shall not be issued for the construction of any type of accessory building prior to*
 83 *that of the main building.(other code examples: k. Customary accessory uses to any of the*
 84 *permitted uses listed in the X district, provided that no separate permit shall be issued for the*
 85 *construction of any detached accessory building prior to that of the main building. Needs*
 86 *tweaking for open air land uses..ie a tool or storage shed on a lot used for equipment storage)*
 87 oo. Taxi operation;
 88 pp. Itinerant merchants, provided all activities shall be limited to uses permitted outright
 89 under this zoning district;
 90 qq. Public and private stables;

91 rr. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
92 residential use in a manner consistent with the requirements of all other provisions of the
93 Homer City Code and as long as such animals are pets of the residents of the dwelling
94 and their numbers are such as not to unreasonably annoy or disturb occupants of
95 neighboring property;

96
97 **21.27.030 Conditional uses and structures.** The following uses may be permitted in the
98 East End Mixed Use District when authorized by conditional use permit issued in
99 accordance with HCC Chapter 21.71:

- 100 a. Construction camps;
- 101 b. Extractive enterprises, including crushing of gravel, sand and other earth products and
- 102 batch plants for asphalt or concrete; *(should better spell out noxious uses such as batch*
- 103 *plants from more benign uses like sand pile storage for contractors who provide sanding*
- 104 *services) (stockpile OK)(screen/landscape for new structures on EERoad)*
- 105 c. Bulk petroleum product storage above ground;
- 106 d. Planned unit developments,
- 107 e. Junk yard;
- 108 f. Kennels;
- 109 g. Public utility facilities and structures;
- 110 h. Impound yards; (allow outright w screening? Stuff is supposed to move in an impound
- 111 yard as opposed to long term storage in a junk yard?)
- 112 i. Shelter for the homeless, provided any lot used for such shelter does not abut an urban,
- 113 rural or office residential zoning district;
- 114 j. More than one building containing a permitted principal use on a lot. Allow outright?
- 115 k. Day care facilities; provided, however, that outdoor play areas must be fenced.
- 116 l. Group care homes and assisted living homes.
- 117 m. Indoor recreational facilities;
- 118 n. Outdoor recreational facilities.
- 119 o. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
- 120 p. Single family and duplex dwellings, **including mobile homes**
- 121 q. Townhouses;
- 122 r. Other uses approved pursuant to HCC § 21.04.020.

Comment [JE1]: After discussion about residential uses in CC, in general, staff thinks allowing individual mobile homes in the EEMU is appropriate. This does NOT allow mobile home parks, which is 2 or more mobile homes on a lot.

123 **21.27.040 Dimensional requirements.** The following dimensional requirements shall apply to all
124 structures and uses in the East End Mixed Use District:

- 125 a. Lot Size.
- 126 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
- 127 and water.
- 128 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
- 129 conditions exists:
- 130 i. The lot is served by public water supply approved by the State Department of
- 131 Environmental conservation; or

132 ii. The lot is served by public or community sewer approved by the State
133 Department of Environmental Conservation.

134 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
135 public water and sewer that satisfies both conditions of subsection (a)(2).

136 b. Building Setbacks.

137 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
138 by subsection (b)(3);

139 2. Buildings shall be set back from all other lot boundary lines according to the number
140 of stories as follows:

141 b. Building Setbacks.

142 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
143 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
144 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
145 (3) below;

146 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
147 adequate firewalls are provided and adequate access to the rear of the building is otherwise
148 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
149 Marshal;

150 3. Any attached or detached accessory building shall maintain the same yards and
151 setbacks as the main building.

152 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
153 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
154 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

155 c. Building Height. The maximum building height shall be 35 feet.

156 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
157 shall any lot contain building area in excess of 30 percent of the lot area without an approved
158 conditional use permit.

159 e. Building Area and Dimensions - Retail and Wholesale.

160 1. The total square feet of floor area of retail and wholesale business uses within a
161 single building shall not shall not exceed 75,000 square feet.

162 2. No conditional use permit, Planned Unit Development, or variance may be
163 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)

164 and no nonconforming use or structure may be expanded in any manner that would increase its
165 nonconformance with the limits of subparagraphs (e)(1), and (2).

166 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR district
167 or when a side or rear yard area is to be used for parking, loading, unloading or servicing, then
168 those side and rear yard areas shall be effectively screened by a wall, fence, or other sight-
169 obscuring screening. Such screening shall be of a height adequate to screen activity on the lot
170 from outside view by a person of average height standing at street level.

171 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
172 End Mixed Use District shall not be issued by the City without a level one site plan approved by
173 the City under HCC Chapter 21.73.

174 b. No zoning permit may be granted for any use or structure without a level two right-of-way
175 access plan approved by the City under HCC § 21.73.100.

176 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
177 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

178 21.27.070 Site Development Requirements. All development on lands in this district shall
179 conform to the level two site development standards set forth in HCC § 21.50.030

180 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010(a)through (g)(1)
181 apply to all development, uses, and structures in this zoning district. Open storage of materials
182 and equipment is permitted, subject to these exceptions and conditions:

183
184 (a) If a lot abuts a residential zoning district ~~or abuts a lot that lawfully contains a dwelling~~
185 ~~unit~~, any outdoor storage of materials and equipment on the lot must be screened from the
186 residential ~~lot or~~ district by a wall, fence, or other sight-obscuring material. The screen must be a
187 minimum of eight feet in height.
188

189 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
190 development, uses, and structures in this zoning district.

191 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
192 District dated _____ (attached exhibit A) shall consist of the originally proposed
193 properties and adjoining properties which may by request be included. The City Clerk is
194 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
195 Section 21.10.030 (b).



BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-33 EAGLE VIEW SUBDIVISION PISEL ADDITION PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was brief comment that all the information for this replat was put together well and no one had questions.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

A. Staff Report PL 11-35, Draft Ordinance 11-xx East End Mixed Use

City Planner Abboud reviewed the staff report.

BOS/HIGHLAND MOVE TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT EAST END MIXED USE ORDINANCE.

No objection was expressed and discussion ensued.

City Planner Abboud clarified the boundary of this area referencing the large aerial map.

There was discussion that it would be beneficial for Commissioners to visit the area to become familiar with what is happening out there. It was agreed that they would do this individually.

City Planner Abboud commented he did some research and found for a situation like this there are a couple municipalities that allow the rebuild of a structure that is damaged or possible expansion if it is a residence. It would deal with what exists at the time and not permitting them outright. It could be within the realm of thought to allow building a residence to replace a mobile home.

It was noted that in the worksession they had requested more information about underground tanks to see if anything needs to be addressed in zoning or if it is already been addressed in the course of new regulations.

Commissioner Kranich initiated discussion suggesting with the changes happening in this area that they allow the residences to continue on the lots they are on now. They should consider allowing replacement of a mobile home with a stick home or another mobile home, and also expansion of an existing residential use so those can continue as primary use on those specific lots. On the other lots if there is a commercial use, then allow a residence to follow as an accessory use. The ordinance should specify if there is no development on a lot, it would have to be commercial first before a residence could follow on the same lot. Comment was raised that it would be preferred to phase out mobile homes at some point.

Chair Minsch raised concern regarding changing to mixed use, given the small amount of GC1 and GC2 zoned land within the city. The city is not going to get any more GC1 or GC2 zoned land.

At this point these issues are being addressed as mixed use in this area and not addressing nonconforming issues city wide. City Planner Abboud said it is something that would need to be address through the attorney.

Commissioner Bos clarified that residential use would be allowed as an accessory to the commercial use only in the mixed use district, not the in general commercial areas.

Commissioner Venuti suggested changing the boundary of East End Mixed Use around the area that encompasses the area with residential uses and leaving the rest as the GC1 district.

Chair Minsch encouraged everyone to review the Comprehensive Plan section on mixed use again and continue to follow staff's lead to see if we can solve some of these issues some other way. She also noted for the record that the Commission is still going through the information provided by staff and are not ready to make formal amendments yet.

There was discussion regarding the reference to nuisance standards on page 2 of the staff report. It was noted that screening would be required on the extreme western boundary and extreme eastern boundary.

City Planner Abboud commented to the notion of allowing more than one building containing a principle permitted use a lot being permitted outright unless the building size or lot coverage triggers the conditional use. The point was raised that it isn't allowed like that in other districts, but this is a new district. It would also help to streamline the Commission's work. It was further noted that if this make senses in East End Mixed use, they would need to look at it in the other districts as well.

The Commission agreed to address recommendations regarding building size at the point they are making formal motions for amendments.

B. Staff Report PL 11-28, Draft Ordinance Amending HCC Chapter 21.34, Conservation District

City Planner Abboud reviewed the staff report.

BOS/HIGHLAND MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING THE DRAFT ORDINANCE AMENDING THE CONSERVATION DISTRICT.

No objection was expressed and discussion ensued.

Chair Minsch clarified that in the worksession they asked staff to bring back option A for the purpose statement and that there be input from the attorney as far as the public utilities versus the City of Homer's reservoir and water pump station.

It was noted that they also request staff to come up with the definition for the public use structure because one in code says "for the purpose of requiring a conditional use permit means.." so that is the only instance that definition could be used. It needs to be changed or another definition of public utility facility needs to be added.

NEW BUSINESS

A. Staff Report PL 11-34, Land Allocation Plan



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-26

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 2, 2011
SUBJECT: Draft Ordinance 11-xx East End Mixed Use District

Requested action: Please summarize the outcome of the work session discussion during the regular meeting, and make any motions during the regular meeting, so there will be a written record of your work.

- 1. Line 114 – More than on building containing a principle permitted use on a lot.** Please discuss whether this should remain a conditional use, or if it should be permitted outright. Recall that more than 8,000 square feet of building area, or 30% lot coverage, will also trigger a conditional use permit (line 156). Please make a motion if the Commission would like this to be a permitted rather than a conditional use.
- 2. Line 120- allowing mobile homes as a conditional use.** The Commission discussed mobile homes at the last work session but did not reach a clear consensus. Please further discuss this issue and make a motion to remove mobile homes if that is the desire of the Commission.
- 3. Line 160 - Large retail and wholesale size limits.** The store size limits in the ordinance are the same that are in effect now in GC1 for the East End Road area: 75,000 square feet - or about double the size of the Gear Shed. If the Commission wants to change this number, please make a motion.
- 4. Line 180 – screening from dwelling units.** Staff drafted language based on Commission discussion. At the last work session, the Commission discussed the nuisance requirements for 21.59.010, (g)(2). The code requires screening of materials and storage from residential zones (which the Commission wanted to keep) and screening from lots that had a lawful dwelling unit. Since this is a mixed use district, a dwelling unit could be a single family home or an apartment in a commercial building. Code could be interpreted to mean that if a home/dwelling is constructed, an existing business would then need to screen their operations from the home, even though the business was there first. The Commission agreed this district is primarily a business district and businesses should not have to screen operations after the fact if someone decides to build next door.

Future meeting discussion topics:

1. Landscaping requirements along East End Road. Please take a drive and observe what sticks out as attractive and unattractive to you. Remember, only the south or downhill side of the road is in the City of Homer.
2. Is there a way to slant this district towards commercial uses, so it does not become a mainly residential district over time? Is too much residential use a likely future problem?

STAFF COMMENTS:

When the Commission feels the ordinance is ready for thorough public review, we can discuss a more firm plan for public participation.

STAFF COMMENTS/RECOMMENDATIONS:

Review items 1-4 and make any amendments by motion. Summarize any work session discussion on the record during the regular meeting.

ATTACHMENTS

1. Draft ordinance 3/2/2011 version

Motion carried.

There was discussion that we have found that residential and commercial uses are not compatible.

MINSCH/HIGHLAND MOVED TO ADOPT A FINDING THAT ALLOWING A CUP IS NOT INTENDED TO RESOLVE CONFLICT OF NONCONFORMING USES.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was agreement that the Commission would like to define the questions and discuss other options at a future worksession to find a way to resolve the issues with residential use in this district.

B. Staff Report PL 11-19, Draft Policies and Procedures

Chair Minsch commented that they discussed this at the worksession and requested staff bring it back at a later time.

HIGHLAND/DRUHOT MOVED TO POSTPONE THE DRAFT POLICIES AND PROCEDURES UNTIL BROUGHT BACK BY STAFF.

There was brief discussion to bring it to a worksession.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

A. Staff Report PL 11-26, Draft Ordinance 11-xx, East End Mixed Use

KRANICH/DRUHOT MOVED TO HAVE STAFF BRING THE EAST END MIXED USE DRAFT ORDINANCE BACK TO A FUTURE WORKSESSION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 11-27, Draft Ordinance 11-xx Amending Homer City Code 21.61.040 Nonconforming uses; regarding the effective date of the restriction on enlarging, increasing or extending nonconforming uses

City Planner Abboud reviewed the staff report.





City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-22 WS

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: February 16, 2011
SUBJECT: Draft Ordinance 11-xx East End Mixed Use District

Requested action: Discuss questions 1-7 under Staff Recommendations. Please summarize the outcome of the discussion during the regular meeting, so there will be a written record of your work.

GENERAL INFORMATION

At the HAPC work session on November 3rd, 2010, and again on January 5, 2011, the commission reviewed the first draft of the East End Mixed Use District. Some of the concerns voiced were:

- Lack of community design manual standards
 - Development standards (or called performance standards), relating to the 100 foot buffer area
 - Box store size rules
 - Landscaping along East End Road, and also for noxious uses such as asphalt batch plants
 - Animal regulations
- In addition, staff has thought of a few more issues:
 1. Staff recommends mobile homes be added as a conditional use, next to single family homes and duplexes
 2. More than 1 building containing a permitted principle use should be a permitted use and not require a CUP.
 3. Something to consider over the next few weeks: Is there a way to slant this district towards commercial uses, so it does not become a mainly residential district over time? Is too much residential use a likely future problem?

What the comprehensive plan says (Page B-6):

E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.

- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

Community Design Manual (CDM)

If the Commission would like to apply the CDM to this district, we need to amend the CDM to include this new district. Please be aware the CDM has limitations; it applies to certain projects that require a conditional use permit, and outside of the Central Business District, there are very few design criteria. In the GC1 district, only the outdoor lighting and outdoor furnishing sections apply, and to only a portion of that district. Since the CDM was adopted, city code has also been amended to address outdoor lighting, district wide. So the CDM does not really require much if anything in the GC1 district, and nothing in the GC2 district. City code now covers some of the basic concerns the CDM was intended to address. The current draft ordinance would require 3 feet of landscaping along lot boundaries, and down lighting, as is required city wide in all commercial districts. See HCC 21.50 and 21.49 for current code requirements.

A. One question that arises is, does the Commission and community feel that architectural standards for buildings are appropriate in this area? In the whole district? Or just along East End Road? How should this affect existing buildings and businesses?

B. Another option is clearly state in code what is required. For example, if the visual quality East End Road business corridor is of concern, the code should address that. Are there special landscaping or architectural requirements that are warranted along East End Road or Kachemak Drive?

Something to Think about – staff is not looking for a solution just yet

C. Another thing to consider is the nuisance standards of 21.59.010 (g). Materials and Equipment Storage.

1. All materials and equipment including waste material shall be stored and all grounds

maintained in a manner that will not attract or aid in the propagation of insects, animals, or create a health or safety hazard. (Staff has no comment here, this is not the problem)

2. Open storage of materials and equipment is permitted, subject to these exceptions and conditions:

(i) If a lot abuts a residential zoning district or abuts a lot that lawfully contains a dwelling unit, any outdoor storage of materials and equipment on the lot must be screened from the residential lot or district by a wall, fence, or other sight-obscuring material. The screen must be a minimum of eight feet in height.

Staff discussion. (i) above could create negative conditions for businesses. A dwelling unit could be a single family home, or it could be an apartment in a commercial building. For example, on lot A, John Doe has an excavation business, and stores equipment on his lot. Lot B is along his rear lot line. Andy Smith owns lot B, and he is granted a CUP to build a single family home. Mr. Smith clearly knows there is equipment storage occurring next door when he applies for permits builds his home. A year later, John Doe needs CUP; he wants to expand his maintenance shop over 8,000 square feet because business is booming. Because there is now a dwelling unit on lot B, should he have to screen his lot with an 8 foot fence? What are some fair solutions?

Staff does not have any suggestions at this time, however, this issue will need to be clarified in code. EEMU is a mixed use district and we can expect these kind of conflicts. We can write specific standards for this district if needed. We may find that screening, landscaping and buffering needs are unique for this district.

Performance Standards (buffer area)

Buffer from conservation zone: There are two issues: should there be a buffer requirement, and where?! The Commission can discuss issue whether to have a buffer requirement of not. Staff has a new recommendation on where the buffer might be.

In the last staff report, staff recommended the buffer from conservation zones. After looking at the map, there are some properties that Moose Inc has purchased as habitat that would be appropriate to zone as conservation. There may be future land acquisitions and zoning changes that we can't anticipate today. But the buffer requirement for a property should not change due to ownership and zoning changes. Therefore, staff recommends the buffer requirement be limited to those properties adjacent to the critical habitat area. CRA's as designated by the state and approved by the legislature; they do not change quickly or often!

However, in reality, at this time it means only 2 parcels would be affected by the buffer. (There could be future subdivisions however). See map.

Buffer Zone Concept (repeated from the last staff report):

Staff has done some research, and found that one approach to buffer zones is to require an average buffer size, with a minimum width. For example, the ordinance might require an average 100 foot buffer, measured from the property line, along all properties adjacent to a conservation zone. The buffer area must be a minimum 50 feet in width. There might be allowable exceptions, like utility connections

and driveways, if the area is made up in another location. This approach allows the property owner some flexibility to use their land as they see fit, but still retain some habitat.

If the Commission agrees with this approach, staff will include such language in the draft ordinance. What are the wishes of the Commission?

1. Should there be a buffer area?
2. Should it be related to the Critical Habitat Area, or from future conservation zone boundaries?

Box Store Size Limits

The store size limits in the ordinance are the same that are in effect now in GC1 for the East End Road area: 75,000 square feet - or about double the size of the Gear Shed. If the Commission wants to change this number, please make a recommendation.

Landscaping Requirements – Some things to think about...no action needed at this time
Landscaping requirements beyond the minimum 3 feet required now, is a bit of a trick along East End Road. There are many existing structures that are fairly close to the road. And, there is an overhead power line which means trees may be subject to severe pruning. This is a lose – lose proposition! The property owner may spend the time and money to landscape, only to have HEA cut it down in a year or 10 years. This will not result in long term improvements along East End Road. Please consider some possible solutions. Landscaping will be discussed more at a future work session.

Animals

At both work sessions, there were questions about how animals (fowl, livestock etc) are regulated. The commercial zones in Homer are silent on animals of any type. Only the residential districts have specific regulations (which also means we don't allow anything but normal household pets in the commercial districts). The EEMU ordinance includes all the animal regulations that exist in Homer City Code. See permitted uses (l), (qq) and (rr).

Urban Residential rules:

Permitted:

- The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a residential use in a manner consistent with the requirements of all other provisions of the Homer City Code and as long as such animals are pets of the residents of the dwelling and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

Conditional:

- Private stables and the keeping of larger animals not usually considered pets, including paddocks or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or annoyances to occupants of neighboring property, and on sufficient land to harbor such animals;

Rural Residential:

Permitted:

- private stables (See your code book for a definition of Stable, private and Stable, public if interested)
- 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,
- STAFF NOTE: the heading here is agricultural activities, and implies larger scale operations – farming specifically, and this is the only place where livestock is allowed outright. The implication is we're talking about more than just 2-3 egg chickens on a 10,000 square foot lot. Over the years, the planning office interpretation is that horses and large numbers of chickens need to be 100 feet from a neighbor's house...its things like smelly horse manure that generate complaints, not the small animals and fowl that are commonly found throughout Homer.
- The draft ordinance includes all of the above language. If the Commission would like to make an amendment, please provide comments.

STAFF COMMENTS:

When the Commission feels the ordinance is ready for thorough public review, we can discuss a more firm plan for public participation.

STAFF COMMENTS/RECOMMENDATIONS:

- Planning Commissioners think about landscaping and screening in the EEMU district, for discussion at a future work session.

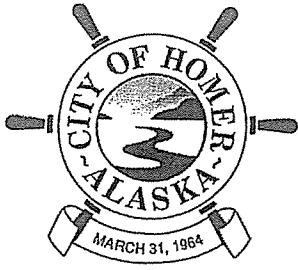
Planning Commission consider the following questions:

1. Are architectural standards appropriate in part of or this entire district?
2. Are additional landscaping or other design elements needed along East End Road?
3. Does the Commission agree with the idea presented for implementing the 100 foot buffer discussed in the Comprehensive Plan?
4. Does the Commission want to change the box store size limits for this area?
5. Are there any changes desired regarding animals?
6. Are there any objections to mobile homes as a conditional use?
7. Are there any objections to more than one building containing a principle permitted use on a lot NOT requiring a CUP?

ATTACHMENTS

1. Draft ordinance 2/8/2011 version





City of Homer
Planning & Zoning
491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-01

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 5, 2011
SUBJECT: Draft Ordinance 11-xx East End Mixed Use District

GENERAL INFORMATION

At the HAPC work session on November 3rd, 2010, the commission reviewed the first draft of the East End Mixed Use District. Some of the concerns voiced were:

- Lack of community design manual standards
- Development standards (or called performance standards), relating to the 100 foot buffer area

What the comprehensive plan says (Page B-6):

E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not

limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

Community Design Manual (CDM)

If the Commission would like to apply the CDM to this district, we need to amend the CDM to include this new district. Please be aware the CDM has limitations; it applies to certain projects that require a conditional use permit, and outside of the Central Business District, there are very few design criteria. In the GC1 district, only the outdoor lighting and outdoor furnishing sections apply, and to only a portion of that district. Since the CDM was adopted, city code has also been amended to address outdoor lighting, district wide. So the CDM does not really require much if anything in the GC1 district, and nothing in the GC2 district. City code now covers some of the basic concerns the CDM was intended to address. The current draft ordinance would require 3 feet of landscaping along lot boundaries, and down lighting, as is required city wide in all commercial districts. See HCC 21.50 and 21.49 for current code requirements.

A. One question that arises is, does the Commission and community feel that architectural standards for buildings are appropriate in this area? In the whole district? Or just along East End Road? How should this affect existing buildings and businesses?

B. Another option is clearly state in code what is required. For example, if the visual quality East End Road business corridor is of concern, the code should address that. Are there special landscaping requirements that are warranted along East End Road?

Performance Standards (buffer area)

Staff has done some research, and found that one approach to buffer zones is to require an average buffer size, with a minimum width. For example, the ordinance might require an average 100 foot buffer, measured from the property line, along all properties adjacent to a conservation zone. The buffer area must be a minimum 50 feet in width. There might be allowable exceptions, like utility connections and driveways, if the area is made up in another location. This approach allows the property owner some flexibility to use their land as they see fit, but still retain some habitat.

If the Commission agrees with this approach, staff will include such language in the draft ordinance.

STAFF COMMENTS: I have spent some time thinking about public process for this new zone. I suggest having an open house style meeting for land owners in the area, after the Commission has worked through the major issues of the ordinance. Residents would have ample opportunity to ask questions about the ordinance, and time to consider how it would affect them. They would not be receiving a copy of the final ordinance a week or two before public hearing. They need the opportunity for input earlier in the process. Many people were annexed into the city, and raised land use concerns at the time they were zoned. The draft ordinance is a starting point for having this discussion with the community.

There is no timeframe on these activities; this ordinance could take 6 months, or a year! There are no plans for any neighborhood meetings right now; I just wanted to communicate one possibility for public involvement. When the Commission feels the ordinance is ready for thorough public review, we can discuss a more firm plan for public participation.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission consider the following questions:

1. Are architectural standards appropriate in part of r all of this district?
2. Are additional landscaping or other design elements needed along East End Road?
3. Does the Commission agree with the idea presented for implementing the 100 foot buffer discussed in the Comprehensive Plan?

ATTACHMENTS

1. Draft ordinance 11/5/2011 version

(The only difference between November and January version is the deletion of some of staff's comments, and fixing some of the numbering and lettering issues).



1 January 5, 2011 DRAFT

2 Chapter 21.27

3
4 EEMU East End Mixed Use District

5
6 21.27.010 Purpose

7 21.27.020 Permitted uses and Structures

8 21.27.030 Conditional Uses and Structures

9 21.27.040 Dimensional requirements

10 21.27.050 Site and Access Plans

11 21.27.060 Traffic Requirements.

12 21.27.070 Site Development Requirements.

13 21.27.080 Nuisance standards.

14 21.27.090 Lighting Standards.

15
16
17 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide
18 sites for businesses that require direct motor vehicle access and may require larger land area.
19 The district is meant to accommodate a mixture of residential and non-residential uses with
20 conflicts being resolved in favor of non-residential uses.

21 21.27.020 Permitted uses and structures. The following uses are permitted outright in the East
22 End Mixed Use District, except when such use requires a conditional use permit by reason of
23 size, traffic volumes, or other reasons set forth in this chapter.

- 24 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and
25 repair,
26 b. Auto fueling stations and drive-in car washes;
27 c. Building supply and equipment sales and rentals;
28 d. Lumberyards;
29 e. Garden supplies and greenhouses;
30 f. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and
31 repair;
32 g. Welding and mechanical repair;
33 h. Restaurants, including drive-in restaurants, clubs and drinking establishments;
34 i. Religious, cultural, and fraternal assembly;
35 j. Studios
36 k. Personal services
37 l. Agricultural activities, including general farming, truck farming, livestock farming,
38 nurseries, tree farms and greenhouses provided that:
39 Other than normal household pets, no poultry or livestock may be housed and no
40 fenced runs may be located within one hundred feet of any residence other than
41 the dwelling on the same lot,
42 m. Storage of heavy equipment, vehicles or boats over 36 feet in length ~~as an accessory use~~
43 ~~incidental to a permitted or conditionally permitted principal use; Should this read:~~
44 Storage of heavy equipment, commercial vehicles, and boats over 36 feet in length ?

- 45 n. Plumbing, heating and appliance service shops,
- 46 o. Home occupations, provided they conform to the requirements of HCC § 21.51.010
- 47 p. Mortuaries and Crematoriums;
- 48 q. Open air businesses;
- 49 r. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
- 50 s. Manufacturing and assembly of pottery, ceramics, musical instruments, toys, novelties,
- 51 furniture, small molded products and electronic equipment, instruments, equipment and
- 52 devices,
- 53 t. Retail businesses;
- 54 u. Trade, skilled or industrial schools;
- 55 v. Wholesale businesses, including storage and distribution services incidental to the
- 56 products to be sold;
- 57 w. Parks and open space;
- 58 x. Warehousing, commercial storage and mini-storage;
- 59 y. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
- 60 z. Dry cleaning, laundry, and self-service laundries;
- 61 aa. Mobile food services;
- 62 bb. Day care homes; all outdoor play areas must be fenced.
- 63 cc. Rooming house and bed and breakfast, provided that a conditional use permit was
- 64 obtained for the dwelling, if required by HCC § 21.27.030
- 65 dd. Dormitory
- 66 ee. As an accessory use, one small wind energy system per lot
- 67 ff. Production, processing assembly and packaging of fish, shellfish and seafood products;
- 68 gg. Construction, assembly and storage of boats and boat equipment;
- 69 hh. Research and development laboratories;
- 70 ii. Storage and distribution services and facilities, including truck terminals, warehouses and
- 71 storage buildings and yards, contractors' establishments, lumberyards and sales, or
- 72 similar uses;
- 73 jj. Underground bulk petroleum storage;
- 74 kk. Cold storage facilities;
- 75 ll. Mobile commercial structures;
- 76 mm. Dwelling units located in buildings primarily devoted to business uses;
- 77 nn. *Update HERE for final district uses....this is a placeholder for now! Customary*
- 78 *accessory uses...Accessory uses to the uses permitted in the GC2 district that are clearly*
- 79 *subordinate to the main use of the lot or building, such as wharves, docks, restaurant or*
- 80 *cafeteria facilities for employees; or caretaker or dormitory residence if situated on a*
- 81 *portion of the principal lot; provided that separate permits shall not be issued for the*
- 82 *construction of any type of accessory building prior to that of the main building.*
- 83 oo. Taxi operation;
- 84 pp. Itinerant merchants, provided all activities shall be limited to uses permitted outright
- 85 under this zoning district;
- 86 qq. Public and private stables;
- 87 rr. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
- 88 residential use in a manner consistent with the requirements of all other provisions of the
- 89 Homer City Code and as long as such animals are pets of the residents of the dwelling

Comment [JE1]: should we say: manufacturing, fabrication and assembly, and leave open what the product is rather than a laundry list? Kenai code uses that

90 and their numbers are such as not to unreasonably annoy or disturb occupants of
91 neighboring property;

92
93 **21.27.030 Conditional uses and structures.** The following uses may be permitted in the
94 East End Mixed Use District when authorized by conditional use permit issued in
95 accordance with HCC Chapter 21.71:

- 96 a. Construction camps;
- 97 b. Extractive enterprises, including crushing of gravel, sand and other earth products and
98 batch plants for asphalt or concrete; (*should better spell out noxious uses such as batch*
99 *plants from more benign uses like sand pile storage for contractors who provide sanding*
100 *services*)
- 101 c. Bulk petroleum product storage above ground;
- 102 d. Planned unit developments,
- 103 e. Junk yard;
- 104 f. Kennels;
- 105 g. Public utility facilities and structures;
- 106 h. Impound yards; (allow outright w screening? Stuff is supposed to move in an impound
107 yard as opposed to long term storage in a junk yard?)
- 108 i. Shelter for the homeless, provided any lot used for such shelter does not abut an urban,
109 rural or office residential zoning district;
- 110 j. More than one building containing a permitted principal use on a lot. Allow outright?
- 111 k. Day care facilities; provided, however, that outdoor play areas must be fenced.
- 112 l. Group care homes and assisted living homes.
- 113 m. Indoor recreational facilities;
- 114 n. Outdoor recreational facilities.
- 115 o. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
- 116 p. Single family and duplex dwellings duplex
- 117 q. Townhouses;
- 118 r. Other uses approved pursuant to HCC § 21.04.020.

119 **21.27.040 Dimensional requirements.** The following dimensional requirements shall apply to all
120 structures and uses in the East End Mixed Use District:

121 a. Lot Size.

122 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
123 and water.

124 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
125 conditions exists:

126 i. The lot is served by public water supply approved by the State Department of
127 Environmental conservation; or

128 ii. The lot is served by public or community sewer approved by the State
129 Department of Environmental Conservation.

130 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
131 public water and sewer that satisfies both conditions of subsection (a)(2).

132 b. Building Setbacks.

133 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
134 by subsection (b)(3);

135 2. Buildings shall be set back from all other lot boundary lines according to the number
136 of stories as follows:

137 b. Building Setbacks.

138 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
139 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
140 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
141 (3) below;

142 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
143 adequate firewalls are provided and adequate access to the rear of the building is otherwise
144 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
145 Marshal;

146 3. Any attached or detached accessory building shall maintain the same yards and
147 setbacks as the main building.

148 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
149 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
150 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

151 c. Building Height. The maximum building height shall be 35 feet.

152 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
153 shall any lot contain building area in excess of 30 percent of the lot area without an approved
154 conditional use permit.

155 e. Building Area and Dimensions - Retail and Wholesale.

156 1. The total square feet of floor area of retail and wholesale business uses within a
157 single building shall not shall not exceed 75,000 square feet.

158 2. No conditional use permit, Planned Unit Development, or variance may be
159 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)
160 and no nonconforming use or structure may be expanded in any manner that would increase its
161 nonconformance with the limits of subparagraphs (e)(1), and (2).

162 f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR
163 district or when a side or rear yard area is to be used for parking, loading, unloading or
164 servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or
165 other sight-obscuring screening. Such screening shall be of a height adequate to screen activity
166 on the lot from outside view by a person of average height standing at street level.

Comment [JEZ]: The concept of screening will need more definition in this district. What should east end road look like? Are there problems now? What should be different? What is working well?

167 See comp plan for Beluga wetland complex setback SEE STAFF REPORT

168 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
169 End Mixed Use District shall not be issued by the City without a level one site plan approved by
170 the City under HCC Chapter 21.73.

171 b. No zoning permit may be granted for any use or structure without a level two right-of-way
172 access plan approved by the City under HCC § 21.73.100.

173 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
174 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

175 21.27.070 Site Development Requirements. All development on lands in this district shall
176 conform to the level two site development standards set forth in HCC § 21.50.030

177 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all
178 development, uses, and structures in this zoning district.

179 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
180 development, uses, and structures in this zoning district.

181 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
182 District dated _____ (attached exhibit A) shall consist of the originally proposed
183 properties and adjoining properties which may by request be included. The City Clerk is
184 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
185 Section 21.10.030 (b).



HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 5, 2010

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 11-02 Draft Ordinance Zoning Enforcement

City Planner Abboud reviewed the staff report. He referenced a lay down letter in support of the draft ordinance.

Patricia Wallace, city resident, said she has lived on Rochelle Road for 19 years and lived Homer 27 years. Off and on in her neighborhood there have been a lot of junk vehicles and just plain clutter and garbage type junk in people's yards. There is still some, but it certainly is getting better. It is very disgusting and hazardous. Homer is a beautiful place, let's take some pride in it and get rid of the eyesores. She would like to thank the people in her neighborhood who have done just that and others in the community who have participated in getting rid of some of this stuff. She thanked the City for helping financially to get rid of abandoned and junk vehicles. She agrees with the 1500 square feet of storage for 2 drivable vehicles, one recreational, one boat less than 36 feet, one work truck, plus 200 square feet for miscellaneous storage. That seems more than fair. If someone needs more storage, they can go rent it. A neighborhood is just that, not a place to accumulate junk and vehicles that don't run or boats that never see the water.

There were no further comments and Chair Minsch closed the public hearing.

KRANICH/HIGHLAND MOVED TO BRING THE DRAFT ORDINANCE TO THE FLOOR FOR DISCUSSION AND POSSIBLE AMENDMENT.

Commissioner Kranich commented that this has been discussed several times at the Commission level and it has been refined to where it should work for most people.

Regarding enforcement, there was discussion that it should be identifiable if a vehicle sits longer than the number of days allowed. It was clarified that line 182 refers to one year after adoption of the ordinance. It was noted that the commercial districts are not included as they have different provisions than the residential chapters, and City Planner Abboud said he could provide the Commission with a better explanation at another time.

KRANICH/DOLMA MOVED TO FORWARD THE DRAFT ORDINANCE ZONING ENFORCEMENT TO CITY COUNCIL AND RECOMMEND ADOPTION.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 10-111 Draft Ordinance Amending the City of Homer Comprehensive Plan to Include the Homer Spit Comprehensive Plan and Recommending Adoption to the Kenai Peninsula Borough

City Planner Abboud reviewed the staff report.

Chair Minsch opened the Public Hearing.





City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 10-104

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: November 3, 2010
SUBJECT: Draft East End Mixed use District

GENERAL INFORMATION

The purpose of this staff report is to introduce the Commission to a first draft of the proposed East End Mixed Use District (EEMU). This new district will take several months to flesh out.

2008 Comprehensive Plan, pages B-6, 7 states:

E-MU (EAST END MIXED USE)

- **Intent** The intent of the E-MU district is to allow a wide variety of commercial, industrial, and heavy industrial uses in a district with access to the boatyard, marine services, and the airport; and to ensure such uses, which are important to Homer's economy, continue to have a viable location.
- **Primary Use** Mixed-use development with fewer constraints on uses than existing GC-1 and GC-2. Designed to accommodate the wide range of uses found in the area today, as well as other future uses; examples include industrial, marine-oriented, construction services (including batch plants), storage, and artist workshops. Residential and retail are allowable, but residential/retail and commercial conflicts will be resolved in favor of commercial/industrial uses.
- **Other Uses, Allowances and Specifications**
 - Allows for mixed use, live/work, provides larger lots than would be available in CBD.
 - On-site parking required.
 - Guide use to create/maintain an attractive highway environment.
- **Development standards**
 - Minimal – basic guidelines for parking, setbacks.
 - Encourage basic landscaping.
 - Properties adjacent to the Conservation zone should use best management practices when developing near the southern edge of the property. Strategies may include, but are not limited to, 100 foot buffer zones along the southern property lines adjacent to the conservation areas, tree retention (bird habitat, moose cover), habitat and vegetation retention, and storm water and pollution management techniques. Developers are encouraged to use a combination of techniques to minimize impacts within 100 feet of

the south property line and to provide for storm water filtration. Development is encouraged to concentrate on the northern portions of these lots.

ANALYSIS:

Staff drafted the ordinance by incorporating almost all the permitted and conditional uses from the GC1, GC2, and marine districts. Some districts allow some types of residential use, sometimes by conditional use permit. Staff kept these as conditional uses, and added single family homes as a conditional use. Staff also recommends deleting some of the uses – you'll see notes on the ordinance. While the east end area is a neighborhood hub and a marine/light commercial area, we do not want to detract from the existing CBD or Ocean Drive area. Staff recommends that certain activities not be allowed in the new district, so that the primary day to day business core remains more centrally located.

Other considerations for this new district will be landscaping requirements along East End Road and Kachemak Drive, and buffer requirements from the future conservation area (see the 2008 comp plan land use recommendation map).

Part of this area was annexed in 2002, including the boat yard. When the area was zoned, General Commercial 1 was the closest fit, but a lot of the well established commercial activities don't really fit within code. The boat yard is an example, as are the various support businesses. Homer annexed this tax base; Homer should have zoning that allows these businesses to remain and expand.

Another portion of the new district was rezoned from Rural Residential to General Commercial 1 in 2001. Residential use has remained the primary land use in that area, with only a few businesses locating there in the past nearly ten years. There is a lack of infrastructure i.e. roads water and sewer, to support some types of businesses. In the mean time, the nonconforming code has changed, and the existing residences are now not financeable because they cannot be re-built in case of fire, nor can they be expanded. By allowing residences by conditional use permit, homes can be managed to avoid future conflicts between business and residential uses. There are also several instances of businesses where the land owner also lives in a home on the property. While GC1 zoning allow apartments in commercial buildings, it does not allow stand alone single family homes. But you can have a rooming house! These inconsistencies in code do not serve the residents of the east end area; solutions can be found to solve some of these issues while still planning for the greater good of the community.

Future staff reports will consider:

1. What the permitted and conditional uses should be
2. What are appropriate performance standards

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission read through the ordinance. Think about what the east end area could look like, and what activities will be there, in 20 years. The goal is to write an ordinance that incorporates what is happening there now and the future as envisioned in the 2008 comprehensive plan.

ATTACHMENTS

1. Draft ordinance with staff notes
2. Location maps

1
2 Chapter 21.27

3
4 EEMU East End Mixed Use District

5
6 21.27.010 Purpose

7 21.27.020 Permitted uses and Structures

8 21.27.030 Conditional Uses and Structures

9 21.27.040 Dimensional requirements

10 21.27.050 Site and Access Plans

11 21.27.060 Traffic Requirements.

12 21.27.070 Site Development Requirements.

13 21.27.080 Nuisance standards.

14 21.27.090 Lighting Standards.

15
16
17 21.27.010 Purpose. The East End Mixed Use (EEMU) District is primarily intended to provide
18 sites for businesses that require direct motor vehicle access and may require larger land area.
19 The district is meant to accommodate a mixture of residential and non-residential uses with
20 conflicts being resolved in favor of non-residential uses.

21 21.27.020 Permitted uses and structures. The following uses are permitted outright in the East
22 End Mixed Use District, except when such use requires a conditional use permit by reason of
23 size, traffic volumes, or other reasons set forth in this chapter.

24 General business offices and professional offices

- 25 1. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and
26 repair, ~~excluding storage of vehicles or equipment that are inoperable or in need of~~
27 ~~repair;~~
28 2. Auto fueling stations and drive-in car washes;
29 3. Building supply and equipment sales and rentals;
30 4. Lumberyards;
31 5. Garden supplies and greenhouses;
32 6. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and
33 repair;
34 7. Welding and mechanical repair;
35 8. Restaurants, including drive-in restaurants, clubs and drinking establishments;
36 9. Religious, cultural, and fraternal assembly;
37 10. Entertainment establishments;
38 11. Studios
39 12. Personal services
40 13. Agricultural activities, including general farming, truck farming, livestock farming,
41 nurseries, tree farms and greenhouses provided that:

Comment [JE1]: This means I think it should be excluded from the district. In this case, business offices should be in town, not 3.5 miles out of town. We have to be careful to not undermine the current CBD and Ocean Drive areas as the day to day business core.

- 42 Other than normal household pets, no poultry or livestock may be housed and no
 43 fenced runs may be located within one hundred feet of any residence other than
 44 the dwelling on the same lot,
 45 14. Storage of heavy equipment, vehicles or boats over 36 feet in length as an ~~accessory use~~
 46 ~~incidental to a permitted or conditionally permitted principal use; Should this read:~~
 47 Storage of heavy equipment, commercial vehicles, and boats over 36 feet in length ?
 48 15. Plumbing, heating and appliance service shops,
 49 16. Home occupations, provided they conform to the requirements of HCC § 21.51.010
 50 ~~17. Hotels and motels;~~
 51 18. Mortuaries and Crematoriums;
 52 19. Open air businesses;
 53 20. Parking lots and parking garages, in accordance with HCC Chapter 7.12.
 54 21. Manufacturing and assembly of pottery, ceramics, musical instruments, toys, novelties,
 55 furniture, small molded products and electronic equipment, instruments, equipment and
 56 ~~devices;~~
 57 ~~22. Publishing, printing and bookbinding;~~
 58 23. Retail businesses;
 59 24. Trade, skilled or industrial schools;
 60 25. Wholesale businesses, including storage and distribution services incidental to the
 61 products to be sold;
 62 26. Parks and open space;
 63 27. Warehousing, commercial storage and mini-storage;
 64 ~~28. Banks, savings and loans, credit unions and other financial institutions;~~
 65 29. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.
 66 30. Dry cleaning, laundry, and self-service laundries;
 67 31. Mobile food services;
 68 32. Day care homes; all outdoor play areas must be fenced.
 69 33. Rooming house and bed and breakfast, provided that a conditional use permit was
 70 obtained for the dwelling, if required by HCC § 21.27.030
 71 34. Dormitory
 72 35. As an accessory use, one small wind energy system per lot
 73 36. Production, processing assembly and packaging of fish, shellfish and seafood products;
 74 37. Construction, assembly and storage of boats and boat equipment;
 75 38. Research and development laboratories;
 76 39. Storage and distribution services and facilities, including truck terminals, warehouses and
 77 storage buildings and yards, contractors' establishments, lumberyards and sales, or
 78 similar uses;
 79 ~~40. Airports and air charter operations;~~
 80 41. ~~Heliports;~~
 81 42. Underground bulk petroleum storage;
 82 43. Cold storage facilities;
 83 44. Mobile commercial structures;
 84 45. Dwelling units located in buildings primarily devoted to business uses;
 85 46. Update HERE for final district uses....this is a placeholder for now! Customary
 86 accessory uses...Accessory uses to the uses permitted in the GC2 district that are clearly
 87 subordinate to the main use of the lot or building, such as wharves, docks, restaurant or

Comment [JE2]: should we say: manufacturing, fabrication and assembly, and leave open what the product is rather than a laundry list? Kenn code uses that

Comment [JE3]: Again keep core near the airport/Kach Dr and Ocean Drive

- 88 cafeteria facilities for employees; or caretaker or dormitory residence if situated on a
89 portion of the principal lot: provided that separate permits shall not be issued for the
90 construction of any type of accessory building prior to that of the main building.
- 91 47. Taxi operation;
- 92 48. Itinerant merchants, provided all activities shall be limited to uses permitted outright
93 under this zoning district;
- 94 49. Public and private stables;
- 95 50. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory to a
96 residential use in a manner consistent with the requirements of all other provisions of the
97 Homer City Code and as long as such animals are pets of the residents of the dwelling
98 and their numbers are such as not to unreasonably annoy or disturb occupants of
99 neighboring property;
- 100 ~~51. Recreational vehicle parks, provided they shall conform to the standards in § 21.54.~~
- 101 52. **21.27.030 Conditional uses and structures.** The following uses may be permitted in
102 the East End Mixed Use District when authorized by conditional use permit issued in
103 accordance with HCC Chapter 21.71:
- 104 53. ~~Mobile home parks;~~
- 105 54. Construction camps;
- 106 55. Extractive enterprises, including ~~the mining, quarrying~~ and crushing of gravel, sand and
107 other earth products and batch plants for asphalt or concrete; *(should better spell out*
108 *noxious uses such as batch plants from more benign uses like sand pile storage for*
109 *contractors who provide sanding services)*
- 110 56. Bulk petroleum product storage above ground;
- 111 57. Planned unit developments, ~~excluding residential uses;~~
- 112 58. ~~Campgrounds;~~
- 113 59. Junk yard;
- 114 60. Kennels;
- 115 61. Public utility facilities and structures;
- 116 62. ~~Pipelines and railroads;~~
- 117 63. Impound yards; (allow outright w screening? Stuff is supposed to move in an impound
118 yard as opposed to long term storage in a junk yard?)
- 119 64. Shelter for the homeless, provided any lot used for such shelter does not abut an urban,
120 rural or office residential zoning district;
- 121 65. More than one building containing a permitted principal use on a lot. Allow outright?
- 122 66. Day care facilities; provided, however, that outdoor play areas must be fenced.
- 123 67. Group care homes and assisted living homes.
- 124 68. Indoor recreational facilities;
- 125 69. Outdoor recreational facilities.
- 126 70. Multiple-family dwelling, only if the structure conforms to HCC § 21.14.040(a)(2)
- 127 71. Single family and duplex dwellings duplex
- 128 72. Townhouses;
- 129 73. Other uses approved pursuant to HCC § 21.04.020.

130 21.27.040 Dimensional requirements. The following dimensional requirements shall apply to all
131 structures and uses in the East End Mixed Use District:

132 a. Lot Size.

133 1. The minimum lot area shall be 40,000 square feet in areas not served by public sewer
134 and water.

135 2. Each lot shall contain a minimum of 20,000 square feet if one of the following
136 conditions exists:

137 i. The lot is served by public water supply approved by the State Department of
138 Environmental conservation; or

139 ii. The lot is served by public or community sewer approved by the State
140 Department of Environmental Conservation.

141 3. Each lot shall contain a minimum of 10,000 square feet if the lot is served by both
142 public water and sewer that satisfies both conditions of subsection (a)(2).

143 b. Building Setbacks.

144 1. Buildings shall be set back 20 feet from all dedicated rights-of-way, except as allowed
145 by subsection (b)(3);

146 2. Buildings shall be set back from all other lot boundary lines according to the number
147 of stories as follows:

148 b. Building Setbacks.

149 1. All buildings shall be set back 20 feet from all dedicated rights-of-way. Alleys
150 are not subject to a 20 foot setback requirement. The setback requirements from any lot line
151 abutting an alley will be determined by the dimensional requirements of subparagraphs (2) and
152 (3) below;

153 2. Buildings shall be set back five feet from all other lot boundary lot lines unless
154 adequate firewalls are provided and adequate access to the rear of the building is otherwise
155 provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire
156 Marshal;

157 3. Any attached or detached accessory building shall maintain the same yards and
158 setbacks as the main building.

159 4. Adjacent to those rights-of-way that lead to Kachemak Bay and have been determined
160 to be unsuitable for road construction by Resolution of the City Council, all buildings shall be set back
161 from the boundary of the right-of-way according to the number of stories as provided in subsection (b)(2).

162 c. Building Height. The maximum building height shall be 35 feet.

163 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor
164 shall any lot contain building area in excess of 30 percent of the lot area without an approved
165 conditional use permit.

166 e. Building Area and Dimensions - Retail and Wholesale.

167 1. The total square feet of floor area of retail and wholesale business uses within a
168 single building shall not shall not exceed 75,000 square feet.

169 2. No conditional use permit, Planned Unit Development, or variance may be
170 granted that would allow a building to exceed the limits of these subparagraphs (e)(1), and (2)
171 and no nonconforming use or structure may be expanded in any manner that would increase its
172 nonconformance with the limits of subparagraphs (e)(1), and (2).

173 *f. Screening. When one or more side or rear lot lines abut land within an RO, RR, or UR*
174 *district or when a side or rear yard area is to be used for parking, loading, unloading or*
175 *servicing, then those side and rear yard areas shall be effectively screened by a wall, fence, or*
176 *other sight-obscuring screening. Such screening shall be of a height adequate to screen activity*
177 *on the lot from outside view by a person of average height standing at street level.*

178 See comp plan for Beluga wetland complex setback

179 21.27.050 Site and Access Plans. a. A zoning permit for any use or structure within the East
180 End Mixed Use District shall not be issued by the City without a level one site plan approved by
181 the City under HCC Chapter 21.73.

182 b. No zoning permit may be granted for any use or structure without a level two right-of-way
183 access plan approved by the City under HCC § 21.73.100.

184 21.27.060 Traffic Requirements. A conditional use permit is required for every use that is
185 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.

186 21.27.070 Site Development Requirements. All development on lands in this district shall
187 conform to the level two site development standards set forth in HCC § 21.50.030

188 21.27.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all
189 development, uses, and structures in this zoning district.

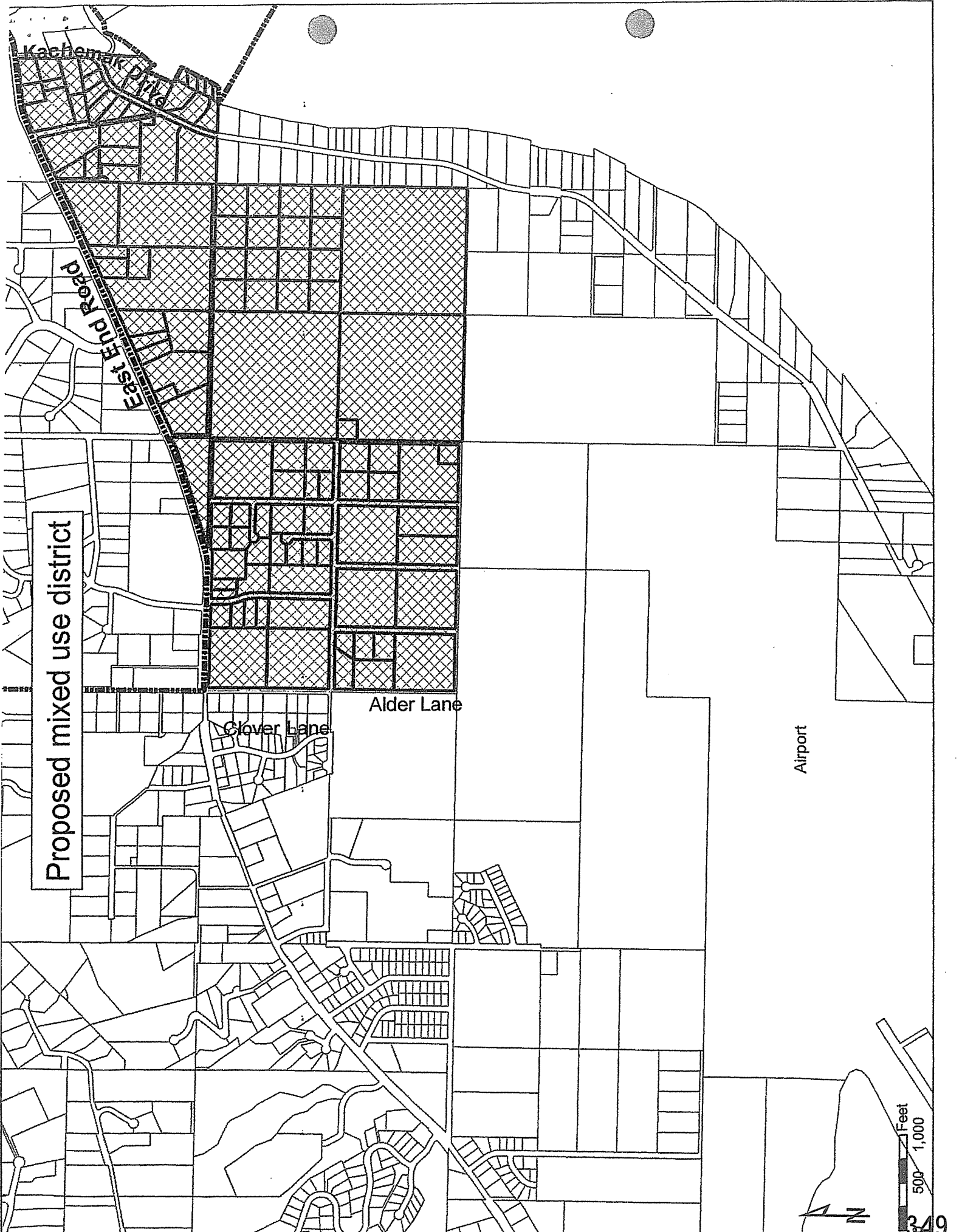
190 21.27.090 Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all
191 development, uses, and structures in this zoning district.

192 Section 2. The official zoning map as drafted of the East End Mixed Use Zoning
193 District dated _____ (attached exhibit A) shall consist of the originally proposed
194 properties and adjoining properties which may by request be included. The City Clerk is
195 authorized to sign the map and adhere to the requirements set forth in the Homer City Code,
196 Section 21.10.030 (b).

Comment [JE4]: The concept of screening will need more definition in this district. What should east end road look like? Are there problems now? What should be different? What is working well?

Comment [JE5]: Staff to work on setback concepts for commission review.





Proposed mixed use district

Kachemar

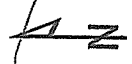
East End Road

Clover Lane

Alder Lane

Airport

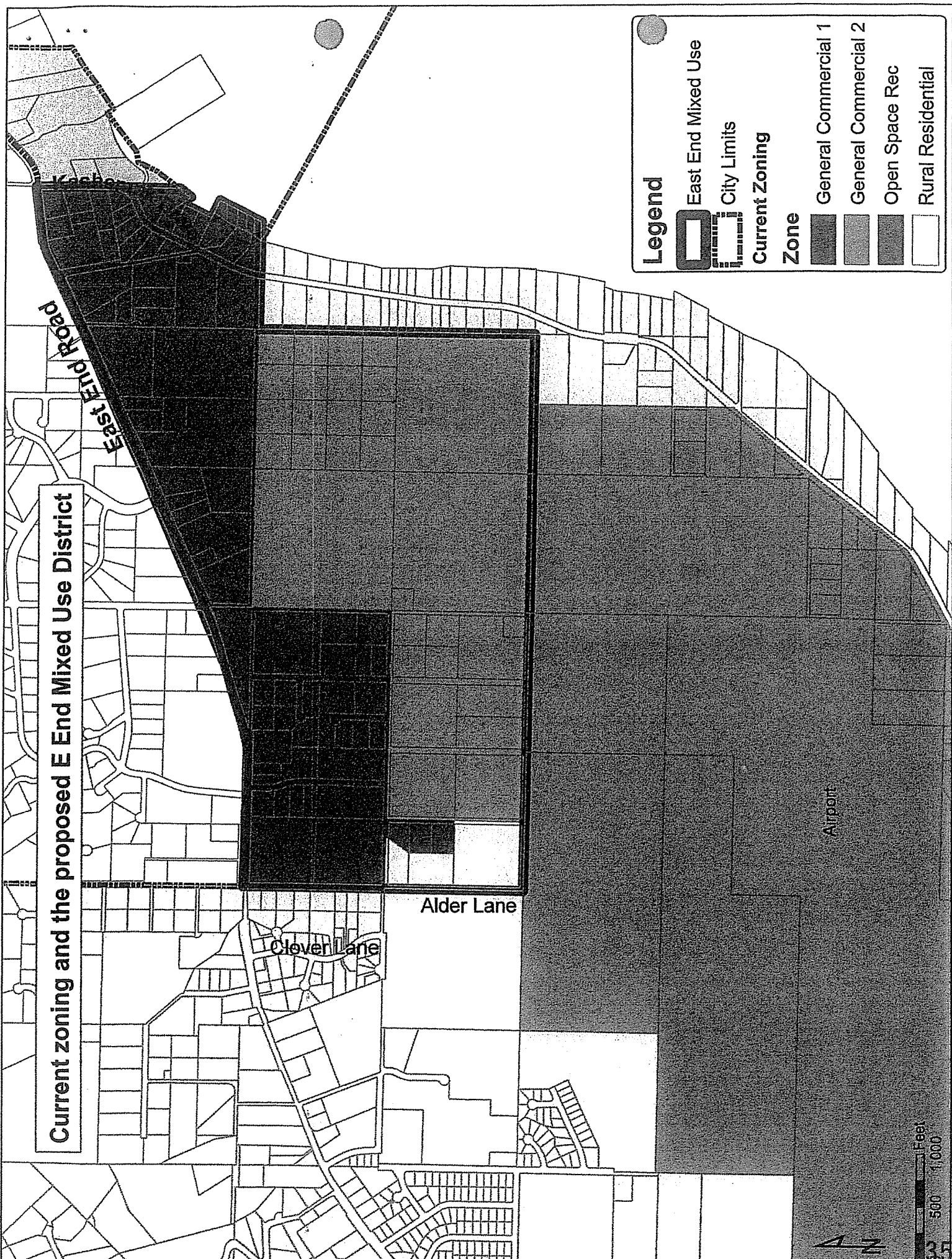
500
1,000
Feet





4 1 1 4

Current zoning and the proposed E End Mixed Use District



Legend

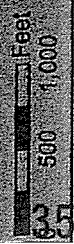
- East End Mixed Use
- City Limits
- Current Zoning
- Zone
 - General Commercial 1
 - General Commercial 2
 - Open Space Rec
 - Rural Residential

Airport

Alder Lane

Clover Lane

East End Road





HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 3, 2010

Commissioner Dolma expressed that the restrictions for poultry should be less restrictive in the Rural Residential district.

Commissioner Highland addressed issues in Commercial districts that should be further addressed.

There was also brief discussion of boats and commercial fishing equipment.

HIGHLAND/BOS MOVED TO TAKE THIS TO A WORKSESSION FOR FURTHER DISCUSSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

A. Staff Report PL 10-104, East End Mixed Use District

City Planner Abboud reviewed staff report.

The Commission gave their feedback to the City Planner and agreed to address this further in a worksession.

B. Staff Report PL 10-108, 2011 Meeting Schedule

MINSCH/ BOS MOVED TO APPROVE THE 2011 MEETING SCHEDULE.

HIGHLAND/BOS MOVED TO CANCEL THE SECOND MEETING IN NOVEMBER.

The Commission considered whether to cancel the second meeting in November or leave it as schedule and can cancel it if their workload allows.

VOTE: YES: HIGHLAND, VENUTI
NO: MINSCH, KRANICH, BOS, DOLMA

There was no further discussion on the main motion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Report

B. "You'll Wish You Were Here," Magazine Article Provided by Commissioner Highland

There was no discussion of informational items.



CITY MANAGER'S REPORT

MANAGERS REPORT
February 13, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

At the last meeting, the Council requested a presentation from the Port and Harbor Director which contained the elements of the year-end report he prepared for his staff and the Port and Harbor Commission. Bryan has prepared a written report and a power point presentation for you. His presentation will be the City Manager's report for this meeting. I may have several items that I will report on verbally and of course, the Council can ask questions about items of interest.

ATTACHMENTS

1. January Employee Anniversaries
2. Port and Harbor Director Report



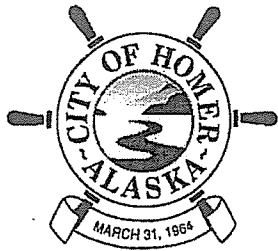
City of Homer

Memorandum

To: Mayor Hornaday and Homer City Council
From: Walt Wrede, City Manager
Date: February 8, 2012
Re: January Employee Anniversaries

I want to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years. Each of these employees will have an anniversary this month.

| | | | |
|-----------------------|--------------------------|-----------|--------------|
| Tim Yarbrough, | Fire | 10 | Years |
| Walt Wrede, | Admin | 9 | Years |
| George Tyrer, | Port & Harbor | 8 | Years |
| Jim Knott, | Police | 2 | Years |
| Dan Miotke, | Fire | 10 | Years |
| Jan Jonker, | Public Works | 21 | Years |




City of Homer

Port / Harbor

4350 Homer Spit Road
Homer, Alaska 99603-8005

Telephone (907) 235-3160
Fax (907) 235-3152
E-mail port@ci.homer.ak.us
Web Site <http://port.ci.homer.ak.us>

MEMORANDUM

TO: HOMER CITY COUNCIL & CITY MANAGER WALT WREDE
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER 
DATE: FEBRUARY 6, 2011
RE: END OF 2011 YEAR UPDATE & UPCOMING 2012 PROJECTS

2011 has been a very productive year for us here at the Port and Harbor; and while it's true that we are always looking ahead at our next goal, I believe that now and again it's good to take a look back over our shoulder and account for our progress.

The Port and Harbor requires a lot of help to make it function; every day, each department in the City has an essential role to play so that the harbor can keep the open sign on and the efforts do not stop there. This public owned and operated enterprise has tremendous support and oversight from the City Council, Port Commission, Committees, Associations, as well as the Borough, State and Federal government. For me it has been rewarding to watch all these groups work together to help keep the Port and Harbor Enterprise on a steady course ahead.

2011 Accomplishments

Parking: The Port Commission took on this important issue in the fall of 2010 and after many meetings throughout the winter made recommendations to the City Council. The Council then passed supporting ordinances that allowed a fee schedule for long-term parking on the Spit. That's when the work of implementing began. We spent approximately \$18,000 on new signage, posts and hardware and Operation Staff worked for about two weeks getting them in place before spring kick-off. Admin was kept on their toes selling season passes and answering questions at the counter.

Derelict Boats: 2011 was a big year in the effort to move the derelicts out of the harbor. It began with the Inlet Harvester leaving in November of 2010. After much effort from Port Admin, the City's legal team, and the City Manager, the Albert departed for Washington State in September. I still smile every time I walk by the spot on System 5 where the Albert laid for more than 22 years. We finished up the 2011 season by hauling the Spanky Paine and Honcho out onto the campground by Pier One Theater where Peninsula Scrap and Salvage broke them down into scrap steel. The Spanky Paine and Honcho are now piled in pieces no larger than 2 x 5 feet on the Chip Pad awaiting shipment. Our efforts over the past 8 years on the derelict vessel issue have paid off for our harbor users in terms of useable space. To date, 14 boats have been removed from the harbor and over 1,300 feet of moorage space has been reclaimed which was being occupied or otherwise tied up by these deadbeat boats.

Deep Water Dock Security Gate System: At 75% complete, the new security system will include a 30 foot wide roll-away gate, man gate, lights, cameras, and an electronic card reader access control system. The new system will be greatly appreciated by our ever growing Deep Water Dock customer base as it will be far easier to comply with our security requirements as a regulated facility required by the Department of Homeland Security.

Barge Ramp: In November 2010, the Port welcomed a new account with Alaska Coastal Freight, owners of the 167 foot landing craft Helenka B. This business is primarily centered on the commercial barge ramp in the

harbor and specializes in transporting equipment and freight for construction projects, oil field support, villages and communities that are not normally supported by the road or ferry system. The City is closing in on a long-term lease with Alaska Coastal Freight for Lot 11 on the 30 Acres where they will establish a freight terminal in support of their growing business. Recently the barge ramp was resurfaced under a Memorandum of Agreement between Alaska Coastal Freight and the Port and Harbor.

Uplands Leases: 2011 was good year for bringing in new uplands leases to the Spit. Port Admin and the City Manager's Office are in the process of completing negotiations and signing five new leases. We believe this work will be completed in 2012.

Ordinance for Managing Dredge Materials on the Homer Spit: City of Homer's Ordinance 11-09 was passed by City Council and took effect March 15, 2011. This ordinance was the next logical step towards the harbor's maintenance dredging program. This ordinance, also adopted into Homer City Code, gives us a step-by-step process for managing materials that are created in our harbor maintenance program.

Pioneer Dock Sediment Basin Project: Maintenance dredging is a fact of life at the Homer Harbor and the Army Corps of Engineers is mandated by Congress to maintain the navigable waterways for commercial maritime traffic. A test project was completed in November to remove materials from the beach between the west trestle of the Pioneer Dock and the old Main Dock using land-based equipment rather than the more traditional method of a cutter-head hydraulic pump. The purpose of the project was to create a sump upstream of the sediment flow into the Hickory's berth that the materials will settle into before they reach the Coast Guard berth and ultimately the harbor entrance. Our goals were simple: work towards lowering the Army Corps and Coast Guard's operation costs that have been rising for maintaining both the Hickory's berth and for the harbor entrance channel. This will be a three year test project that we hope will prove an effective tool for sediment management for Homer's Port and Harbor. The project produced 10,000 cubic yards of material that the Port and Harbor will manage in compliance with our dredge materials management policy. There was a 75% operation cost savings achieved by using the land-based equipment verses the cutter-head dredge. Project costs were shared between the Coast Guard and Corps. There were no costs to the Harbor Enterprise.

Spring and Fall Expanded Dredging Effort at the Homer Harbor: The Army Corps is responsible for maintaining a 100 foot channel all the way from the harbor entrance to the Load and Launch Ramp. In 2011 they expanded their normal dredging program to include a portion of the inner basin, the beginning of a multi-year re-dredging effort to bring the channel back to as-built conditions. One of the results of all this extra dredging has been a large increase of dredged materials. In a normal year we produce approximately 13,000 cubic yards of dredged materials, but 2011 brought in upwards of 40,000 cubic yards. Good thing we were able to pass the new harbor maintenance dredging ordinance last spring, otherwise we would be trying to figure out a name for the new mountain on the Spit.

Harbor Condition Survey: When the Army Corps told us that they were going to need to re-dredge the channel that they are responsible for, the question 'what about the rest of the harbor and who is responsible for that?' came up. The answer is: we are. The firm contracted by the Corps was engaged to conduct a condition survey of the harbor from the Fish Dock to JJ Float but not under the floats themselves. Although I'm still working with the surveyor to understand the results of the survey, it appears that we will need to remove approximately 19,000 cubic yards from the above mentioned area in order to bring it back to design depths. Obviously we have some work ahead of us on this front. I see this as a bit-by-bit long range project.

Alaska Clean Harbors: We did it! Homer is the first harbor in the State of Alaska to earn the Clean Harbor certification. Four years ago, Homer Harbor agreed to be the test harbor for this pilot project and we worked with DEC, USCG, Nuka Research, and Cook Inlet Keeper to both develop the program and put it into place. Deputy Harbormaster Matt Clarke and the Operation Staff put in a tremendous effort to complete the check list.

Our goal was to have everything in place by our October AAHPA conference yet two weeks before the deadline we were surprised by the knowledge of a final requirement to complete a manual that documented compliance with the best management practices. Most of the burden to complete this fell to Matt, who did a remarkable job, as Admin was fairly tasked with the upcoming AAHPA conference and finishing up reserved stall renewals. What's next for Alaska Clean Harbors? AAHPA has adopted this program by resolution and several harbors have already begun work on their Best Management Plan checklist with a goal of achieving Clean Harbor certification. Homer has been happy to answer questions as other Alaskan harbors get started on the Clean Harbors trail.

Fish Dock projects: Our Ice Plant staff has had a very productive season. First, I believe it's important to note that there were no "Down Time" break downs this season at either the Fish Dock or the Ice Plant! No easy feat considering the facility and all its equipment is now 29 years old. 2011 has been a good year for getting long-term goals accomplished at the old Fish Dock. We replaced the old crane card access control system (a joint venture between Port Admin, I.T., and the Ice Plant) with a modern Windows-based computerized system. Crane 7 refurbishment will be completed any day and we look forward to rebuilding two more of the Fish Dock cranes in 2012. Other improvements that George and the Ice Plant staff have been able to get done this year are lighting system energy audit and efficiency improvements, engine room beautification (painting, color coding, and labeling), engine room valve replacements, transformer removal, building and grounds repair, and an auger-bearing replacement project that uses plastic UHMW split bearings to replace the old roller bearings. There are a lot of augers in that plant and this kind of problem solving allows the crew to better utilize their maintenance hours and focus on other projects.

Port Maintenance Returns: In 2000, in an effort to organize the City's maintenance needs, the Port and Harbor Maintenance department was transferred to Public Works. There were many good ideas put into action from that move and we appreciate all the work that went into organizing and streamlining the Port's maintenance program. However, after carefully evaluating our organization's maintenance needs, both present and future, the City Manager, Public Works Director and I felt it was time to bring the oversight responsibilities of Port Maintenance back to the Port Director's desk. We will continue our close working relationship with Public Works using the lessons learned from their origination. In the re-organization of this department, Aaron Glidden, Harbor Officer II, was promoted to Port Maintenance Supervisor. Aaron has been working hard learning the ropes of this new career path. Good luck Aaron and welcome back Port Maintenance.

AAHPA 32nd Annual Conference: The Port and Harbor of Homer hosted the Alaska Association of Harbormasters and Port Administrators conference in October at Land's End Resort. An event like this requires a lot of planning and organizing well in advance if it's going to be successful. Every minute of the day is planned out from activities to guest speakers to meals and even social time. Harbor Admin took this extra duty on in stride and Administrative Secretary Rachel Tussey was given the duties of organizing, preparation, keeping me on course, and chasing down every little detail so that when conference week rolled around we were ready. The conference was a huge success, the largest attendance to an AAHPA conference to date and fundraising over \$13,000 in proceeds for the association. We are still hearing from attendees about how they had a great time and learned a lot from their time in Homer.

Homer Spit Sign Post Project: Even though our new sign post bases were a skookum 450 pounds each, the wind on the Spit proved, once again, that it was boss. Operation Staff worked with a local contractor and all the utilities to complete the sign post project by sinking them into the ground. I think we got it this time!

Hickory Parking Lot Improvement Project: Port Admin staff worked cooperatively with Public Works to draft an RFP and oversee the completion of this remodel project to the Pioneer Dock's west trestle approach. The improvements designated parking for a minimum of 25 vehicles either side of the trestle and to install a clear separation in the parking lot between the AMHS and USCG's area on the Pioneer Dock.

Petro Marine Pipeline Project: It has been a long-term goal to move the fuel pipeline that connects the Petro Marine tank farm to the old Main Dock over to the new Pioneer Dock and 2011 marked the beginning of this important project, scheduled to be completed spring of 2012. Petro Marine worked cooperatively with Alaska Marine Highway to install the multi-leg pipeline on the new dock and add a new tank. Upcoming work will

consist of burying the connecting pipeline between the tank farm and the Pioneer Dock. Once completed, Petro Marine will be able to both take and deliver fuel at the face of the Pioneer Dock at an increased rate. This will be beneficial to the Port by making the Pioneer Dock more marketable to large vessels seeking a source of fuel.

AMHS Lot 48 Warehouse Project: It's finally complete! Five years ago, an AMHS captain came to us and said "We need a warehouse." In the end the details don't really matter, I'll just say that from an administrative side, it was a lot of work and we are glad that the Tustumena now has a warehouse to call their own.

Marketing: Homer Port and Harbor teamed up with the newly formed Marine Trades Association this year on an advertising campaign, taking it on the road to the Seattle Pacific Marine Expo. It was a great success and I look forward to strengthening and improving this advertising venture for the Port.

Harbor Improvement Committee: This newly formed committee has just one purpose: prioritize the Harbor's to-do list and find funding both in the forms of grants and bonds. The results of this focus group's efforts are being discussed at both the Port Commission and City Council Meetings. We hope to have a plan together early in 2012.

Harbor Tug Projects: The Harbor Tug is one of our most valuable response tools at the operation level. Every year we make improvements or additions to better utilize this handy little boat. During winter haul out we were able to upgrade the hydraulics, remove the old tow post and line guard, add a deck winch, stern gate, man lift system, line snapback protection on the back windows of the house, improve the fender system, and touch up the bottom paint. I can tell you when the other harbormasters from around the state were here for the conference, that I received many comments about our harbor tug. They recognized it as a valuable tool and I could see the wheels turning as they were trying to figure out how they could get one of their own.

Deep Water Dock Cruise Ship Head Tax Grant Monies: Homer was awarded a \$6 million grant to be used for improvements to the Deep Water Dock and uplands that will benefit the cruise ship passengers experience while visiting Homer. We see this project taking a couple of years to complete, and already have awarded the engineering for the complete replacement of the Deep Water Dock fenders. These ship fenders are heavily worn and under-built. Our goal is to replace them between September 15 and November 1, 2012.

Load and Launch Ramp: The Alaska Department of Fish and Game came to us with a proposed project that would rebuild the Load and Launch facility. Staff and Fish and Game have worked to bring this proposal to Port and Harbor Commission and City Council, who will have an ordinance in front of them at their next meeting appropriating the funds for the engineering and design of this proposed task. If approved, we will have one year to complete the first phase. Fish and Game have agreed to pay for the entire cost of engineering with a 25% local match required for the construction phase. As this is a federal grant, our plan is to use state grant monies as our required match funding source. Estimated total costs are \$3.5 million for a full replacement. We will have the option to scale the scope of work back or maybe even perform the work in phases if we opt not to go for the complete replacement option. I believe that the results from the engineering will help us make those decisions.

Tsunami Warning System: 2011 was the year when we finally saw a significant improvement to the alert system. The sirens were upgraded in 2008 but were plagued with breakdowns which turned into a governmental red tape nightmare. Though I wouldn't exactly give the system a gold star rating, I have to admit that there has been a vast improvement and the red tape appears to be clearing. Now managers are able to plan for, fund and perform the maintenance necessary to keep this crucial infrastructure working properly. There is still more to do but I now feel as though we are on course to a reliable coastal warning system.

2011 was a very good year. We made great progress on our long-term goals while also providing the excellent day to day service that has made Homer a standout harbor in this State. Now I'd like to take a brief lap around the harbor basin and list some of our goals for 2012:

Pioneer dock:

- Complete the pipeline from Petro Marine terminal to the face of the dock.
- Begin the planning stages of demolishing the old Main Dock. It's time for us to take it down before it falls down.
- Complete repairs to the mooring dolphin.

Deep Water Dock:

- Develop a time line for head tax money projects.
- See attached list of projects.

Beach Moorage Facility:

In terms of projects that will bring new revenue sources to the Enterprise, it has been suggested that we create a barge mooring facility just off the beach between the fishing lagoon entrance and the northern end of the harbor. Staff will bring the results of an industry survey and a request for permitting to the Port Commission and City Council by April. I hope to have a decision by June and if it is decided to build, that we contract and begin construction in October 2012. See attached diagram for project overview.

Fishing Lagoon:

How do we maintain this important community asset? I believe that 2012 will be the year that we tackle this challenge. From my perspective, we need accurate numbers to work with. So far we've all been guessing about the quantities of material needed to be removed from the lagoon. We need a hydrographic survey to be done so that accurate volumes can be calculated for cost purposes. Costs for a survey will be in the range of \$3,000 to \$5,000.

Once we have that information, a small committee can be organized whose mission will be to research options for a response to the sedimentation issue. I would highly recommend the coastal engineers at DOT be on this team as well as Fish and Game and the City. Further, by benefit of hindsight, I can see the reason we ended up facing this issue is because once the Fishing Lagoon was built, no thought was given to maintaining it. One of the goals of the committee should be to create a maintenance schedule for preventative care and to identify a source of funding for that purpose. The coastal engineers and hydrologists will be able to help us with this need as well.

Load and Launch Ramp:

- Complete the engineering and design for the Load and launch Ramp refurbishment.

Fish Dock/Ice Plant:

- Rebuild Ice Chute.
- Refurbishment of two more dock cranes.
- Complete corrosion protection which will require replacing zincs. Was recommended in the 2011 dock condition survey under the dock.
- Continue replacing fish dock gratings.

Harbor Basin:

- In addition to the normal day to day maintenance of the harbor facility, Port Maintenance plans to step up efforts this spring and summer and address concrete spalling on the floats.
- The Harbor Improvement Committee will continue working on the harbor project list with a goal of securing funding for the approved projects.

As you can see we have quite a bit of work ahead of us, but I believe we are up to the task given all the resources and talent that this community has to offer.

Bryan

Barge Moorage Facility

Conceptual Design for Proposal

⊙ Deadman Bollards

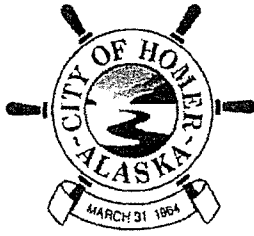
○ Pilings—spaced approximately 25 feet apart, 200 feet overall

⊙ Stern Anchor & Mooring Buoy



Beach Access Ramp—100 foot wide gravel ramp. Barges can access uplands for maintenance and repairs.



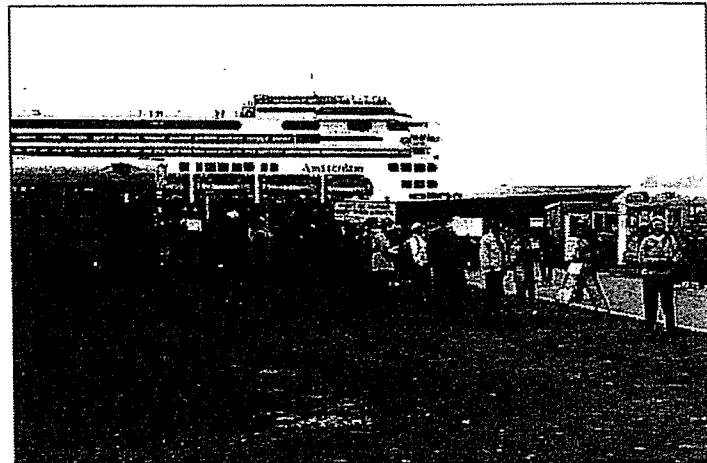


City of Homer State Legislative Request - FY 2012

DEEP WATER/CRUISE SHIP DOCK: DOCKING & UPLAND PASSENGER FACILITY IMPROVEMENTS

PROJECT DESCRIPTION & BENEFIT: Classified as an Emerging Port for cruise-ship based tourism, the Port of Homer has seen a dramatic increase in cruise ship bookings in the last three years, from two ships in 2009 to nine in 2010 to fifteen scheduled for 2011. With the goal of encouraging this trend, the City of Homer has developed an Integrated Cruise Ship Enhancement Strategy aimed at utilizing state cruise ship head tax monies to maximize benefits of cruise ship tourism for both passengers and the Homer community. This project will implement key features of that strategy:

- Add docking fender, camel upgrade, and bollard upgrades to the Deep Water Dock (also known as the Cruise Ship Dock) (\$2.15 million). These upgrades will greatly facilitate docking maneuvers and help prevent damage to cruise ships.
- Modify the dock to eliminate bird nesting (\$600,000). The existing open I-beam construction of the Cruise Ship Dock creates ideal nesting sites for hundreds of seagulls, which in turn creates a huge problem with bird excrement and offensive odors. This problem will be largely eliminated by welding steel plates over the open I-beams, removing old fender brackets, and installing bird-deterrent spikes on dock support systems.
- Purchase a broom attachment for the Port forklift, to be used for cleaning the dock prior to cruise ship arrivals (\$10,000).
- Install a steel transition plate to bridge the gap between the dock and the dock trestle, for the full width of the trestle (\$20,000). Currently this gap creates a trip hazard for foot traffic, a particular problem for less agile passengers.
- Construct a guard house for security personnel that includes a public restroom (\$500,000).
- Construct a covered area for passengers waiting for ground transportation (\$50,000).
- Create a level, paved, and fenced staging area specifically for cruise ship passengers (separated from marine industrial uses) (\$100,000). The paved and marked surface will eliminate problems with dust and uneven/hazardous terrain that plague the area now and make it easier to direct passenger and vehicle/bus traffic. Signage will also help eliminate confusion in the staging area.
- Construct a paved ADA-compliant trail along the east side of the existing harbor and Outer Dock Road (4,000 feet). Include three pullout/view areas with benches and signage (\$425,000).
- Construct a paved parking area and covered shelter in the main commercial/retail area of the harbor for passengers embarking/disembarking from buses (\$100,000).
- Construct a paved trail from where the new Spit Trail ends (at End of the Road Park) to Coal Point, to include benches and signage at Coal Point and a restroom at End of the Road Park (\$950,000). The new trail will be utilized by passengers who disembark at either the Cruise Ship Dock or the Pioneer Dock (back-up cruise ship dock). Coal Point provides an outstanding overlook area for observing all the activities of the harbor, including those at the Fish Dock.
- Construct public restrooms with covered bus stops at two downtown locations (\$1 million).
- Include public art and landscaping features with some of the above projects to enhance the visitor experience (\$50,000).



A stinky dock, rough unmarked parking lot, lack of weather protection, and general disheveled appearance at the Cruise Ship Dock uplands do not provide the best first impression of Homer.

Total project cost: \$5,955,000 Schedule: 2011-2013 **FY 2012 STATE REQUEST: \$5,955,000**

Contact: Mayor Jim Hornaday or City Manager Walt Wrede, 235-8121

Office of the City Clerk

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

MEMORANDUM

TO: MAYOR HORNADAY AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: FEBRUARY 7, 2012

SUBJECT: GAMES REPORT

We have received notification by the following entities of 2012 Alaska Gaming Permits:

Kachemak Bay Family Planning Clinic (amended)

RECOMMENDATION:

Informational only.

Fiscal Note: Revenues.

"WHERE THE LAND ENDS AND THE SEA BEGINS"
To access City Clerk's Home Page on the Internet: <http://clerk.ci.homer.ak.us>

RECEIVED
JAN 27 2012

City of Homer
Finance Department

1/27/12

To: AK Dept of Revenue – Tax Division
PO Box 110420
Juneau, AK 99811-0420

To whom it may concern,

Enclosed, please our Amended 2012 Gaming permit application, copy of our Rental Agreement for a Facility Based Game, and new Pull Tab Vendor Registration form. Also enclosed is our check for \$50.00 for the new vendor.

Please note – to clear up any confusion:

The Facility Based Game and the New Pull Tab Vendor are for the same location “Alices Champagne Palace.” Once we receive the permit, Alice’s will be selling our pull tabs on-going. However on the night we are renting their facility for our fundraising event (March 31, 2012), we will be selling our own pull tabs just during the event (and for that night, Alices will not be selling the pull tabs they have for on-going sales).

~~As required, a copy of this amended application was sent to our municipality City of Homer, on 1/27/12.~~

If you have any questions about our Amended 2012 gaming application, please contact us at your convenience.

Sincerely,
Jenny Martin
Treasurer, Board of Directors
Primary Member/Manager of Gaming
Kachemak Bay Family Planning Clinic
3959 Ben Walters Lane
Homer, AK 99603

Amended 2012 Alaska Gaming Permit Application

826A

With the exception of the EIN, gaming permit number, and the organization name, complete only the information that has changed from information submitted on the original application for this permit year.

Organization Information

| | | | |
|---|-------------------------|---|-------------|
| Federal EIN 92-0106486 | Gaming permit # 1829 | Phone Number | Fax Number |
| Organization Name Kachemak Bay Family Planning Clinic | | Website Address | |
| Mailing Address | | City | State AK |
| | | Zip + 4 | |
| Entity Type (check one) | | Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995. | |
| <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association | | <input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association | |
| | | <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association | |
| | | <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws? | | | |

Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

| Primary Member First Name | M.I. | Primary Member Last Name | Alternate Member First Name | M.I. | Alternate Member Last Name |
|---|-------|--|---|-------|--|
| Social Security Number | | Email | Social Security Number | | Email |
| Daytime Phone Number | | Mobile Number | Daytime Phone Number | | Mobile Number |
| Home Mailing Address | | | Home Mailing Address | | |
| City | State | Zip | City | State | Zip |
| Has the primary member passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Permit # under which test was taken: | Has the alternate member passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Permit # under which test was taken: |
| Effective Date of change | | <input type="checkbox"/> Add <input type="checkbox"/> Delete | Effective date of change | | <input type="checkbox"/> Add <input type="checkbox"/> Delete |

Legal Questions

These questions must be answered. If you answer Yes to either question, see instructions.

- Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
- Yes No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954.

We declare, under penalty of unsworn falsification, that I have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below we, the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

| | | |
|--|------------------------------------|-----------------|
| Primary Member Signature <i>Jenny Martin</i> | Printed Name Jenny Martin | Date 1/23/12 |
| President or Other Officer's Signature (see instructions) <i>Morgan Sicilia</i> | Printed Name Morgan Sicilia | Date 1/23/12 |
| Alternate Member Signature <i>Mary Ellen Purcell</i> | Printed Name Mary Ellen Purcell | Date 1/23/12 |
| Manager Signature <i>Jenny Martin</i> | Printed Name Jenny Martin | Date 1/23/12 |

One copy of the completed application must be sent to the nearest municipality and borough. See instructions for mandatory attachments.

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

| |
|---------------------|
| DEPARTMENT USE ONLY |
| Date Stamp |

826A

Retain a copy for your records

Amended 2012 Alaska Gaming Permit Application

826A

| | |
|-------------------------|--|
| Gaming Permit # 1829 | Organization Name Kachemak Bay Family Planning Clinic |
|-------------------------|--|

Facility-Based Games (self-directed) If more than two facilities, attach a separate sheet.

| | | | | | |
|---|-----------------------------------|--|---------------|-------------|------------------|
| <input checked="" type="checkbox"/> Add <input type="checkbox"/> Delete | Facility Name Champagne Palace | Physical Address 195 E. Pioneer Ave | City Homer | State AK | Zip + 4 99603 |
| Facility Type (check one) <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased <input type="checkbox"/> Donated | | Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input checked="" type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool** | | | |

| | | | | | |
|--|---------------|---|------|-------------|---------|
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Facility Name | Physical Address | City | State AK | Zip + 4 |
| Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated | | Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool** | | | |

Area-Based Games If more than two areas, attach a separate sheet. *restricted game type **see instructions for mandatory attachments

| | | |
|---|------|---|
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Area | Game type (check all that apply) <input type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Classic (specify) _____ |
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Area | Game type (check all that apply) <input type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Classic (specify) _____ |

Manager of Games Required only for self-directed pull-tabs and bingo.

| | | | | | |
|---|--------------------|----|---|-------------------------------------|--------------------------|
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Manager First Name | MI | Manager Last Name | Social Security Number | Daytime Phone Number |
| Home Mailing Address | | | | City | State Zip + 4 |
| Email | | | Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No | Permit # under which test was taken | Effective Date of Change |

Change of Vendor Vendors may only sell pull-tabs. Attach vendor registration form(s) and fee(s) for each vendor listed.

| | | | | | |
|--|--|-----------------------------------|---------------|-------------|------------------|
| <input checked="" type="checkbox"/> Add <input type="checkbox"/> Delete | Bar or Liquor Store Name Alice's Champagne Palace | Physical Address 195 E Pioneer | City Homer | State AK | Zip + 4 99603 |
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Bar or Liquor Store Name | Physical Address | City | State AK | Zip + 4 |
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Bar or Liquor Store Name | Physical Address | City | State AK | Zip + 4 |
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Bar or Liquor Store Name | Physical Address | City | State AK | Zip + 4 |

Change of Operator

Designate operator. If adding an operator, attach a signed operating contract. If more than one change, attach a separate sheet.

| | | | | |
|---|--------------------|----------|---------------|------------------|
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | Operator License # | Operator | Facility Name | Game Type(s) |
| Physical Address | | | City | State Zip + 4 |

Multiple-Beneficiary Permittee (MBP) Information

Designate the MBP. If more than one change, attach a separate sheet.

| | | | | |
|---|--------------|----------|---------------|------------------|
| <input type="checkbox"/> Add <input type="checkbox"/> Delete | MBP Permit # | MBP Name | Facility Name | Game Type(s) |
| Physical Address | | | City | State Zip + 4 |

Dedication of Net Proceeds Describe in detail how the organization's use of net proceeds from gaming activities will change.

| |
|--|
| |
|--|

826A

Event
Rental
Agreement

Family Planning Rockabilly Ball March 31st, 2012

Contract with Alices Champagne Palace

Name of Event: Rockabilly Ball

Name of Business sponsoring event: Kachemak Bay Family Planning Clinic

Date to be held at Alices: Saturday March 31st, 2012

Time of Event : 7 or 8pm start

Band will be provided by Family Planning and play until 2am

Able to enter Alice's to setup as early as noon on March 31st

Alice's will open as normally scheduled on March 31st at 4pm

Food: Not a catered event.

Family Planning may bring in a cake or desserts for their event

Alice's kitchen will be open at 5pm and proceed with regularly scheduled business, even through event and close at 10pm

Bar: Alice's will run a cash bar throughout the entire night

Family Planning may provide suggested cocktails and recipes, as they did last year.

If so, having these recipes ahead of time will ensure Alice's is

able to provide for any specialty ingredients

Alice's will provide all staff for event, excluding door payment.

Cost: Family Planning will provide a \$500 deposit that will cover the room rental for the evening

Allowing for business to be monitored and charged at the door to their standards

Cancellation policy warrants at least a month's notice prior to the scheduled event

Should an unforeseen happenstance occur, I will be more than willing to refund Family Planning's deposit.

Here's to a great night!!

Any questions, comments or concerns, do not hesitate to call 299-6600

We look forward to your evening. Thank you.

2012 Alaska Pull-Tab Vendor Registration

854

A registration is required for each vendor location. A permittee may not contract with more than five vendors at one time.

Permittee Information

| | | |
|------------------------------|----------------------------------|---|
| Federal EIN 92-0106486 | Gaming permit # 1829 | Permittee Name Kachemak Bay Family Planning Clinic |
| Phone Number 907-235-3436 | Member in Charge Jenny Martin | Member in Charge Phone Number 907-235-8391 |

Vendor Information

| | | | |
|--|-------------|---|----------------------------------|
| Federal EIN or Social Security Number* 20-1966927 | | Beverage Dispensary License # #253 | Package Store License # |
| Owner Name Homer Beverages Inc. | | Business License Alices Champagne Palace | |
| Business Name Alices Champagne Palace | | Phone Number 907-235-6909 | Fax Number 235-6904 |
| Mailing Address 195 E. Pioneer Ave | | Physical Address of Vendor Location 195 E. Pioneer Ave | |
| City Homer | State AK | Zip +4 99603 | City of Vendor Location Homer |
| | State AK | Zip +4 99603 | |

Legal Questions

**If your business has not been issued a federal EIN, you are required to provide your social security number.*

These questions must be answered, If you answer Yes to any question, please submit the person's name, date of birth, social security number and position of responsibility.

- Yes No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
- Yes No Do you employ or have a contract with the primary or alternate member in charge, officer, board member or manager of gaming for the above organization?
- Yes No Do you have a contract other than a vendor contract with the organization listed above?

Vendor Contract to Sell Pull-Tabs

Pursuant to AS 05.15.188, the vendor listed above hereby agrees to sell pull-tabs as a vendor on behalf of the permittee listed above.

The vendor further agrees that, as compensation for expenses incurred in selling pull-tabs on behalf of the permittee, 30 % of the ideal net of each game may be retained by the vendor as compensation. Permittee must receive at least 70% of the ideal net from each game. AS 05.188(h).

The vendor further agrees that an amount equal to the ideal net, less the compensation owed to the vendor, shall be paid by check by the vendor to the permittee upon delivery of a pull-tab series. AS 05.15.188(i).

It is further agreed that the vendor will ensure pull-tab winners of \$50 or more will complete prize receipt forms; that a prize winner summary form will be completed for each pull-tab game and retained with those winning pull-tabs AS 05.15.187(i); and these records of pull-tab winners will be given to the permittee to retain for the required two or three years. AS 05.15.187(f).

It is further agreed that it is the vendor's responsibility to ensure gaming activity at this vendor location is conducted in accordance with all applicable state statutes and regulations.

It is further agreed that, if the vendor is no longer eligible to sell pull-tabs, then all unopened and opened pull-tab games shall be returned to the permittee within 10 days. If the permittee loses the privilege to conduct gaming activities, then all unopened and opened pull-tab games must be treated in accordance with 15 AAC 160.490.

We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law.

| | | |
|---|-------------------------------|-----------------|
| Vendor Signature <i>Cynthia Burns</i> | Printed Name CYNTHIA BURNS | Date 1/22/12 |
| Member in Charge Signature <i>Jenny Martin</i> | Printed Name Jenny Martin | Date 1/22/12 |

Registration Fee is \$50

Pay online using (OTIS) at www.tax.alaska.gov or make your check payable to the State of Alaska. This completed registration form must be attached to a permit application form and will not be processed until the fee is received.

Mail to: ALASKA DEPARTMENT OF REVENUE
TAX DIVISION - GAMING GROUP
PO BOX 110420
JUNEAU AK 99811-0420
Phone 907-465-2320 • Fax 907-465-3098

| DEPARTMENT USE ONLY | |
|---------------------|--|
| Validation # | |
| Date Stamp | |

854

Retain a copy for your records

0405-854 • Rev 08/11

Office of the City Clerk

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

MEMORANDUM - REPORT

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK WJ
DATE: FEBRUARY 7, 2012
SUBJ: ANNUAL CITY DEPARTMENT/OFFICE INVENTORY RECORDS

Advising The Council pursuant to Homer City Code Section 2.08.010, Management of Public Records, Subsection c. Records Inventory. The City Clerk shall take and maintain an inventory of the City records. The inventory shall be reviewed and revised annually, and shall set forth each record series being developed, used, stored, or scheduled for disposal by the City.

Department and Office inventories, up through January 2012 have been received in the Office of the City Clerk, with the exception of the Finance Department Inventory.

Fiscal Note: NA

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Port and Harbor Director

5 RESOLUTION 12-008

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
8 ALASKA, APPROVING A COOPERATIVE AGREEMENT
9 BETWEEN THE ALASKA DEPARTMENT OF FISH AND
10 GAME, DIVISION OF SPORT FISH, AND THE CITY OF
11 HOMER, REGARDING REPAIR, REPLACEMENT, AND
12 REHABILITATION OF INFRASTRUCTURE AND FACILITIES
13 AT THE HOMER LOAD AND LAUNCH RAMP.

14
15 WHEREAS, The Alaska Department of Fish and Game (ADF&G), Division of Sport
16 Fish, has access to federal funding for enhanced recreational boating and sport fishing access
17 from a variety of programs including Recreational Boating Access, Boating Infrastructure
18 Grants, and the Clean Vessel Act; and

19
20 WHEREAS, ADF&G has approached the City and proposes to use state and federal
21 funds to improve public recreational boating and sport fishing by cooperatively rehabilitating
22 and maintaining the load and launch ramp facility at the Homer boat harbor; and

23
24 WHEREAS, The Cooperative Agreement establishes the respective roles and
25 responsibilities of the parties and it provides that the state will secure the funding for the project
26 if the City agrees to take responsibility for construction management, maintenance and
27 operation; and

28
29 WHEREAS, This project has been endorsed in concept by the Port and Harbor Advisory
30 Commission and the Port and Harbor Revenue Bond Committee; and

31
32 WHEREAS, The Agreement has been reviewed by the City Administration and it
33 recommends approval.

34
35 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves
36 the Cooperative Agreement between the Alaska Department of Fish and Game, Division of Sport
37 Fish, and the City of Homer, regarding repair, replacement, and rehabilitation of infrastructure
38 and facilities at the Homer load and launch ramp.

40 BE IT FURTHER RESOLVED that the City Manager is authorized to execute all
41 appropriate documents and carry out the responsibilities of the City contained in the Agreement.
42

43 PASSED AND ADOPTED by the Homer City Council this 23rd day of January, 2012.
44

45 CITY OF HOMER
46

47 _____
48 JAMES C. HORNADAY, MAYOR
49

50 ATTEST:
51

52 _____
53 JO JOHNSON, CMC, CITY CLERK
54

55 Fiscal Note: Staff Time / public scoping and construction management.
56

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF ADMINISTRATIVE SERVICES

SEAN PARNELL, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-5526

PHONE: (907) 465-6177
FAX: (907) 465-6181

INTERNET: Tom.Taylor@alaska.gov

September 15, 2011

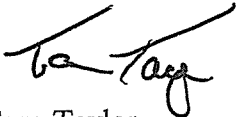
Walt Wrede
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

Dear Mr. Wrede:

Enclosed are three copies of Cooperative Agreement #COOP-12-058 between the Alaska Department of Fish and Game, Division of Division of Sport Fish and the City. Please sign and return all to me. Upon signature by the Department, a fully executed copy will be returned to you.

The Department's Project Director is Rich Price. Please direct all inquiries concerning this project to him at (907) 746-6337. Please refer to the above tracking numbers on all billings and correspondence.

Sincerely,



Tom Taylor
Contracting Officer

Cc:

COOPERATIVE AGREEMENT

COOP-12 - 058

between the

ALASKA DEPARTMENT OF FISH AND GAME

and the

CITY OF HOMER

for

Homer Harbor Boat Launch Facility and Mooring Dock Renovation

This cooperative agreement is made and entered into between the Alaska Department of Fish and Game, Division of Sport Fish, hereinafter referred to as the ADF&G and the City of Homer, hereinafter referred to as the CITY. ADF&G enters into this agreement under the authority of state statutes AS16.05.050(12) and AS36.30.850(c) and one or more of the following Federal Aid in Sport Fish Restoration programs: Recreational Boating Access (CFDA # 15-605), Boating Infrastructure Grants (CFDA # 15-622) and Clean Vessel Act (CFDA # 15-616).

I. PURPOSE OF THE AGREEMENT

To improve public recreational boating and sport fishing access to the marine waters near Homer by cooperatively rehabilitating and maintaining a boat launch facility in Homer Harbor.

II. COVENANTS OF THE STATE

The ADF&G does hereby agree:

1. To reimburse the CITY for accomplishing the purpose of this agreement. This project will be split into two phases: Phase I will consist of planning activities (design and permitting) and Phase II will consist of construction-related activities. Initial funding in an amount not to exceed \$350,000.00 will be reimbursable to the CITY for Phase I activities. Once Phase I is complete, this cooperative agreement will be amended to add additional funding to address Phase II of the project. The source of funding shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject

to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS).

2. To authorize the CITY to manage and maintain the Homer Boat Ramp as a CITY facility.
3. To perform a final inspection of the completed project to verify compliance with this agreement.

III. COVENANTS OF THE CITY

The CITY does hereby agree:

1. The CITY shall provide all additional funding needed to complete the improvements covered by this agreement. The total estimated cost of Phase I is \$350,000.00.
2. To dedicate to this project, CITY owned uplands *and /or* tidelands known as Homer Boat Harbor. The parcel shall be used exclusively for the launch ramp, a parking area for vehicles with boat trailers and other improvements incidental to this project. The parcel is shown on Attachment A.

The CITY warrants that it has the right, power, and authority to construct and maintain the improvements on the parcel and that there are no restrictions, covenants, easements, rights-of-way, or uses which would prevent the CITY from constructing and maintaining the improvements on the parcel.

3. To complete the planning of the boat launch facility funded by this agreement prior to December 31, 2012. In the event the funding provided by ADF&G is not sufficient to cover all costs incurred by the CITY in completing this project, the CITY shall provide all additional funding that may be needed.

4. To manage and maintain the boat launch facility for public use until December 31, 2032. The boat launch facility will be managed primarily for the benefit of the recreational boating and sport fishing public in providing access to public waters. No change in this use will be made without prior written approval of ADF&G.

Management activities and maintenance services shall ensure orderly public use and keep the facility clean and in a good state of repair. Management and maintenance may be adjusted seasonally commensurate with seasonal public use.

ADF&G will consider the facility closed to the public if the CITY physically denies access, fails to provide adequate management or maintenance or allows incompatible

uses of the facility that effectively limits public use by recreational boaters and sport anglers.

5. To obtain and comply with all federal, state and local permits required for construction and maintenance of the project.

6. To install a sign identifying the participation of ADF&G, the Federal Aid in Sport Fish Restoration program, and sport anglers in facility development.

7. To be responsible, for a period of one year from the date of ADF&G's final inspection, for correcting all defects in the design or construction when the defect is brought to the attention of the CITY, without additional cost to ADF&G. The CITY will make good and be fully responsible for all damages to persons and property that arise from equipment or workmanship which is inferior, defective, or not in accordance with the terms of this agreement.

8. To maintain adequate insurance in conjunction with the design, construction and maintenance of the improvements.

9. To perform all aspects of the project in compliance with appropriate laws and regulations which include but are not limited to the following:

Local Building Codes- The CITY shall comply with applicable local buildings codes and shall obtain a building permit if required (AS 35.10.025).

Historic Preservation- The CITY shall comply with AS 41.35.070 to preserve historic, prehistoric and archeological resources threatened by public construction.

Public Contracts- The CITY shall comply with AS 36.05 in determining the wages and hours of labor on public contracts.

Political Activity- Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.

Civil Rights- Pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975 and Title IX of the Education Amendments of 1972, no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in or be subjected to discrimination in any program or activity funded in whole or in part by federal funds.

Allowable costs/Cost principles-OMB Circular No. A-87, "Cost Principles of State and Local Governments" establishes principles and standards for determining costs applicable to grants, contracts, and other agreements with state and local governments.

A cost is allowable for federal reimbursement only to the extent of benefits received by federal programs, and costs must meet the basic guidelines for allow ability, reasonableness, and allocability.

Drug-free Workplace Act- The CITY, by signing this agreement, certifies that they will provide a drug-free workplace.

Debarment/Suspension- The CITY, by signing this agreement, certifies that neither it nor its principals, or subcontractors, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from federal financial assistance programs or activities. Where the CITY is unable to certify to any of the statements in this certification, the CITY shall attach an explanation to this agreement.

Audits- The CITY acknowledges that the Phase I source of funding shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS) under CFDA 15.605.

The City acknowledges that receipt of federal funds may create audit requirements under OMB Circular A-133. The CITY acknowledges that the State of Alaska single audit provisions of 2 AAC 45.010 may also apply.

Workers Compensation Insurance- The CITY shall provide and maintain, for all employees engaged in work under this agreement, coverage as required by AS 23.30.045, and, where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements. The policy must waive subrogation against the State.

Open Competition - The CITY shall comply with Executive Order 13202 dated February 17, 2001 prohibiting any requirements or bidding preferences based contractor affiliation with labor organizations.

10. If the CITY handles hazardous materials on the site, the CITY agrees to employ adequate procedures for safely storing, dispensing, and otherwise handling hazardous materials in accordance with applicable federal, state, and local laws. Hazardous materials include but are not limited to fuels and lubricants commonly used in vehicles and boats.

a. In the event of a hazardous materials spill by the CITY or the public using the site, the CITY shall act promptly, at its own expense, to contain the spill, repair any damage, absorb and clean up the spill area, and restore the site to a condition satisfactory to the ADF&G and in accordance with applicable federal, state, and local laws. The CITY shall be the lead agency in requesting additional funds from the legislature to cover the cost of spill clean-up. ADF&G shall support such requests.

b. If contamination of the site occurs as a result of the CITY's management of the site, the CITY shall indemnify, defend, and hold harmless the ADF&G from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses.

IV. IT IS MUTUALLY AGREED THAT

1. ADF&G and the CITY shall cooperate in accomplishing the improvements to be provided under this agreement. ADF&G shall provide design criteria for the improvements. The CITY shall be the lead agency in accomplishing all work necessary to make the improvements. The CITY may employ design consultants and construction contractors as may be appropriate. The project shall be designed by a professional engineer registered in the State of Alaska unless exempt under AS 08.48.331.

2. The CITY shall perform the following tasks in accomplishing this project:

Phase I: Design and land status: A preliminary design shall be developed in sufficient detail to allow the CITY to develop a project budget, obtain all required permits and dedicate the land as specified in paragraph III.2 above. The CITY shall not proceed with final design until notified in writing by ADF&G that the USF&WS has approved the project. In the event USF&WS approval is not obtained by ADF&G or the non-federal match requirement cannot be acquired, this agreement shall be terminated and ADF&G shall reimburse the CITY for its work on this task. The maximum reimbursement allowed for this task shall be the amount stated in paragraph II.1 above. Any funds not used for this task shall be available for construction.

Phase II: Bidding and Construction: The CITY shall obtain ADF&G's written approval of the final design and cost estimate before starting work with its own personnel or advertising for contractor bids. During the bidding process, the CITY shall send to ADF&G a copy of the bid package and all addenda that may be issued.

The CITY shall provide ADF&G a copy of the proposed construction schedule. The CITY shall also promptly notify ADF&G of all changes made to the schedule or the design. At the completion of the construction work, the CITY shall provide ADF&G a copy of the as built plans. Reimbursement for construction work shall be contingent on ADF&G approval of work actually performed.

ADF&G review of designs, plans, specifications or other project-related documents will be to ensure conformance to the purpose of this agreement and shall not constitute engineering review nor relieve the CITY from responsibility to prepare an adequate design, meet code compliance, or assure that cost principles are applied to change orders.

3. The CITY will be reimbursed only for the cost of work actually completed which is directly related and allocable to the project and which ADF&G has approved. The CITY will not be reimbursed for administrative work or overhead it incurred while completing the project. Reimbursement will be made within 30 days of receipt and approval, by ADF&G, of a request for reimbursement from the CITY. All requests for reimbursement shall be adequately documented. Documentation may include copies of materials invoices, payroll ledgers, equipment logs, contract payments, etc. In the event of a late payment, ADF&G will not pay late fees. Requests for reimbursement shall be mailed no more frequently than once a month to Jeff Breakfield at:

State of Alaska
Department of Fish and Game
Sport Fish Division, Region II
43961 Kalifornsky Beach Road, Suite B
Soldotna, Alaska 99669

The CITY shall maintain a separate set of accounting records for this project and shall retain these records for a period of three years from the termination of the agreement. These records shall be made available to the state for audit purposes.

With the exception of the final payment, requests for reimbursement shall be in amounts not less than \$10,000.00. If the CITY chooses to make monthly billings, such billings will be held by ADF&G until the total amount reaches at least \$10,000.00.

4. The CITY may charge user fees in accordance with Homer City Code 10.04.035, in effect on the effective date of this agreement. All future changes to the fee schedule shall be reviewed and approved by ADF&G. Fees shall be subject to the following criteria:

- a. Fees for recreational boating and sport fishing use shall not exceed fees for other uses.
- b. Fees shall not be imposed to recover the capital cost of the improvements covered by this agreement.
- c. Fees shall not exceed the cost of operation, maintenance and improvement of the site.
- d. Site specific fees that exceed the cost of operation, maintenance and improvement are program income. An area-wide fee, such as an annual launch permit, that allows the use of any CITY launch ramp usually is not considered program income. Fees collected and determined to be program income must be credited back to the Federal Aid in Sport Fish Restoration program through ADF&G. The basic policies for the treatment of program income by the USF&WS contained in 43 CFR Part 12 and OMB Circular A-102 apply to this agreement.

e. The CITY may establish a capital improvement account to fund specified major improvements to the site. Establishment of such an account shall be reviewed and approved by ADF&G. The CITY shall specify the improvement proposed, the estimated cost, and completion date when requesting approval. Fees accumulated in a capital improvement account will not be considered program income if they are used for the approved improvement.

f. If required by future changes to federal regulations or at the request of ADF&G, the CITY shall provide ADF&G an accounting of fees collected and costs of operation, maintenance, and improvements. This accounting shall be on an annual basis and in sufficient detail to satisfy state and federal regulations.

g. Trailerable boats owned and operated by the ADF&G and the Department of Public Safety shall be allowed to use the facility at no cost in the course of carrying out their official duties to the extent such use does not interfere with public use of the facility.

5. The effective date of this agreement shall be from the date of final signature by ADF&G.

6. The design life of the facility is 20 years; therefore, this agreement shall remain in effect until December 31, 2032.

7. Either agency may terminate its involvement in this agreement by written notice to the other at least 90 days in advance of the date on which termination is to become effective. In the event that an agency terminates its involvement in this agreement, defaults in its duties under this agreement or this agreement expires, disposition of the sport fishing access improvements shall be accomplished by whichever of the following contingencies is appropriate:

a. Agreement expires on December 31, 2032:

ADF&G shall have the option to negotiate an extension of this agreement with the CITY for the continued use of the facility for public sport fishing access. ADF&G shall have 90 days after the expiration of this agreement in which to notify the CITY of its intent to exercise this option. If ADF&G does not exercise this option, all improvements shall become the property of the CITY.

b. ADF&G terminates its involvement:

If prior to December 31, 2032, ADF&G finds that there is no longer a need for the sport fishing access improvements covered by this agreement, then this agreement shall be terminated. Improvements funded by ADF&G shall become the property of the CITY at no additional cost to the CITY.

c. The CITY terminates its involvement:

If prior to December 31, 2032, the CITY closes the facility to the public, does not comply with the requirements of this agreement or terminates its involvement in the purpose of this agreement, this agreement shall be terminated and the CITY shall reimburse ADF&G for:

- 1) the total funding it provided at the rate of 5 percent for each full year between the date of termination and December 31, 2032.
- 2) the appraised fair market value, on the date of the City's default, of any land acquired for the project with ADF&G funds.

This agreement shall be terminated when the City's reimbursement to ADF&G is completed. The CITY shall not be required to reimburse ADF&G in the event the facility must be closed to protect public safety because of casualty damage arising from a catastrophic occurrence.

8. The CITY may make improvements to the facility at its own expense provided the improvements are compatible with the purpose of this agreement and are approved in writing by ADF&G prior to construction.

9. Funding for major maintenance or repair of casualty damage will be negotiated on a case-by-case basis. Each agency's share of such funding shall be contingent on availability of funds.

10. The rights and responsibilities vested in each agency by this agreement shall not be assigned without the written consent of the other agency.

11. Agents and employees of each agency shall act in an independent capacity and not as officers, employees, or agents of the other agency in performance of this agreement.

12. Nothing in this agreement shall obligate either agency to the expenditure of funds or future payments of money in excess of those herein agreed upon or authorized by law.

13. Nothing in this agreement transfers title or land jurisdiction other than set forth herein.

14. The CITY shall indemnify, hold harmless and defend ADF&G from and against any claim of, or liability for error, omission or negligent act of the CITY under this agreement. The CITY shall not be required to indemnify ADF&G for a claim of, or liability for, the independent negligence of ADF&G. If there is a claim of, or liability for, the joint negligent error or omission of the CITY and the independent negligence of ADF&G, the indemnification and hold harmless obligation shall be apportioned on a

comparative fault basis. "CITY" and "ADF&G" as used within this paragraph, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in ADF&G's selection, administration, monitoring or controlling of the CITY and in approving or accepting the CITY's work.

15. Both parties agree to comply with all applicable federal and state laws regulating ethical conduct of public officers and employees.

16. Each agency will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.

17. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.

18. This agreement may be revised as necessary by mutual consent of both parties, by the issuance of a written amendment, signed and dated by both parties.

19. All approvals and notices required by this agreement shall be written and shall be sent by registered or certified mail to:

Director
Division of Sport Fish
Alaska Dept. of Fish & Game
P.O. Box 115526
Juneau, Alaska 99811-5526

City Manager
Homer City Hall
491 East Pioneer Ave.
Homer, Alaska 99603

20. This agreement is complete and has no other encumbrances, addenda, attachments, or amendments with the following exceptions: Attachment A – Plat of Homer Boat Harbor.

21. SIGNATURES:

For the City of Homer

Walt Wrede
City Manager

Date

For the Alaska Department of Fish and Game

Charles O. Swanton
Director
Division of Sport Fish

Date

Kevin Brooks
Director
Division of Administrative Services

Date

Walt Wrede

To: Walt Wrede
Subject: FW: cooperative agreement draft

From: Walt Wrede
Sent: Friday, January 13, 2012 8:59 AM
To: 'Price, Richard A (DFG)'
Cc: Breakfield, Jeffery A (DFG); Bryan Hawkins; 'Cyr, Paul A (DFG)'
Subject: RE: cooperative agreement draft

II Covenants of the State

2) Delete the language in Number 2 and replace it with: The City of Homer owns, operates, and maintains the existing load and launch facility. The facility is operated primarily for the use of recreational and sport fish users. ADF&G authorizes the City to continue to manage and maintain the Homer Load and Launch Ramp as a City facility.

III Covenants of the City

2) Delete the first sentence and replace with: "To dedicate to this project, City owned uplands and/or tidelands under and immediately adjacent to the Load and Launch Facility." Appendix A is way too broad because it shows the entire port and harbor complex and we cannot dedicate all of that to the project. We will send you another map to be used as Appendix A which will show the area to be dedicated.

4) At the end of the second sentence, after the words public waters, add a comma and the words, " consistent with current management".

5) In this sentence, delete the word "construction" and replace it with the words "replacement and repair of existing infrastructure"

6) Add a sentence which says, "install signs indicating that the primary use of the facility is sport fishing and recreational access."

IV. IT IS MUTUALLY AGREED THAT:

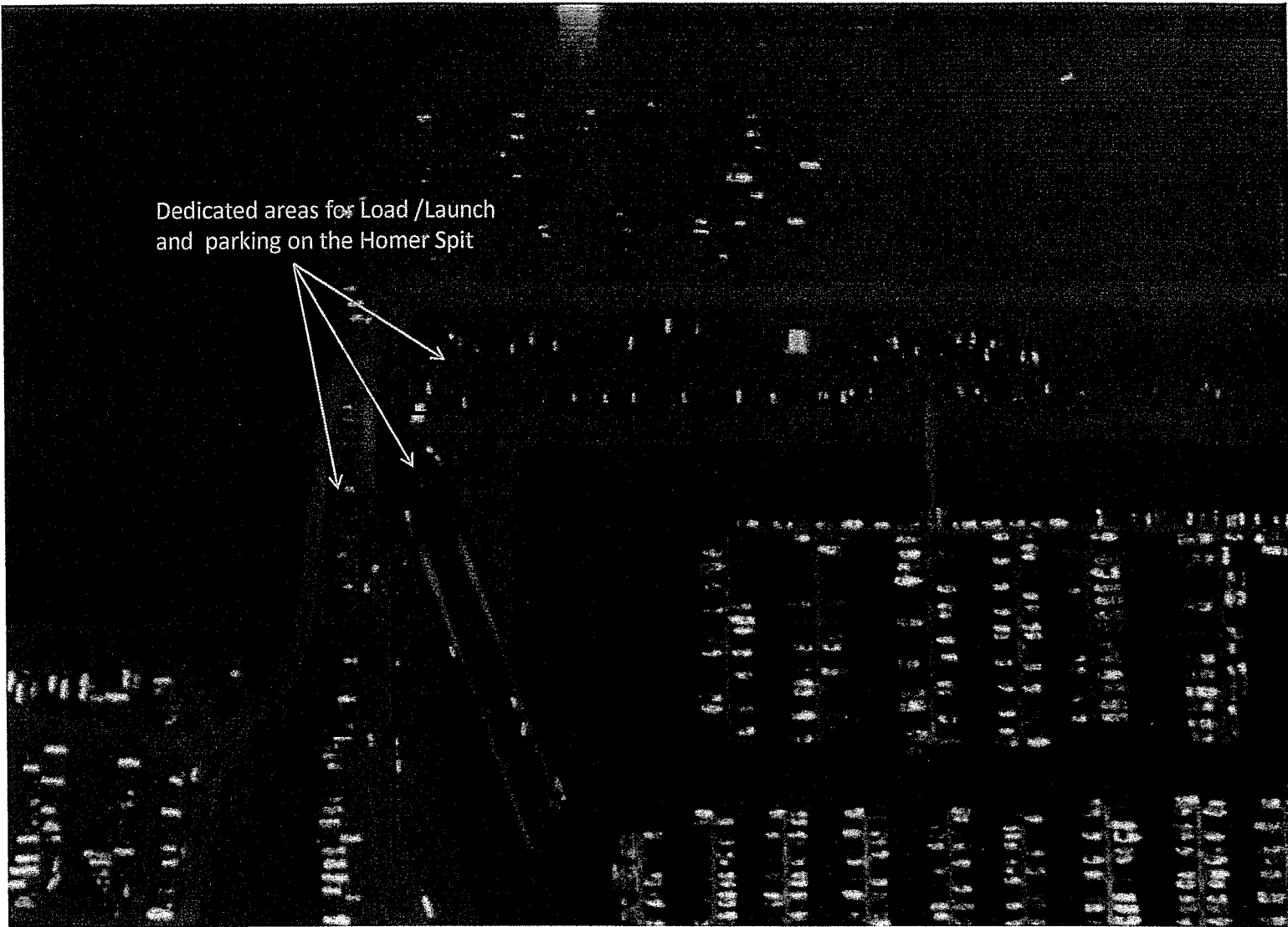
4. (A) At the end of the sentence, add the words " at the Load and Launch Facility."

4. (C) Add a sentence which says " Fees may be used to establish a depreciation account to be used for maintenance, repair, and replacement of the infrastructure and facilities at the site."

4. (E). Add a sentence at the end which says " The capital improvement account can be used for improvements that support and are incidental to the primary activity at the site including, but not limited to expanded restrooms, boat and trailer wash down facilities, stackable trailer storage, etc."

That is it!! Not too bad I hope. Bryan and I will get you a new Appendix A today or Monday.

Walt



Jo Johnson

From: Walt Wrede
Sent: Wednesday, February 08, 2012 11:30 AM
To: Jo Johnson
Subject: FW: Load and Launch Ramp
Attachments: D-155 Homer Coop Draft.docx

From: Cyr, Paul A (DFG) [<mailto:paul.cyr@alaska.gov>]
Sent: Tuesday, February 07, 2012 10:26 AM
To: Walt Wrede
Cc: Carey Meyer; Bryan Hawkins; jeff.breakfield@alaska.gov; richard.price@alaska.gov
Subject: RE: Load and Launch Ramp

Walt,

Enclosed is a draft of the cooperative agreement with most of the changes that you requested (below). I added and highlighted my comments in yellow. I discussed the language in the current draft with our procurement officer and we were in agreement with what is there so far. Some of the edits are not worded exactly as you requested, but have been abbreviated/changed somewhat to meet our comfort level; hopefully your intent is still captured. E.g. I could not delete the word "construction" in 5) because there will be construction (new ramps and floats) and there are references in the agreement related to laws and regulations pertaining to construction activities. However, I did add that the project would be a renovation (as opposed to new construction). Other changes made to the agreement relate to ADF&G advertising the RFP and managing the consultants contract. Once Phase I activities are complete, we will amend this agreement to address Phase II activities. Please review and let Rich and I know if you have any questions, and/or if the current agreement is acceptable. Thanks - Paul

P. S. Your appendix A, which better delineates the project area looks fine.

Following are the City of Homer's proposed amendments.

II Covenants of the State

2) Delete the language in Number 2 and replace it with: The City of Homer owns, operates, and maintains the existing load and launch facility. The facility is operated primarily for the use of recreational and sport fish users. ADF&G authorizes the City to continue to manage and maintain the Homer Load and Launch Ramp as a City facility. ~~Made change~~

III Covenants of the City

2) Delete the first sentence and replace with: "To dedicate to this project, City owned uplands and/or tidelands under and immediately adjacent to the Load and Launch Facility." Appendix A is way too broad because it shows the entire port and harbor complex and we cannot dedicate all of that to the project. We will send you another map to be used as Appendix A which will show the area to be dedicated. ~~Made change~~

4) At the end of the second sentence, after the words public waters, add a comma and the words, "consistent with current management". ~~Made change~~

5) In this sentence, delete the word "construction" and replace it with the words "replacement and repair of existing infrastructure" ~~Could not delete word "construction", but clarified project scope as a "renovation"~~

6) Add a sentence which says, "install signs indicating that the primary use of the facility is sport fishing and recreational access." - Made change

IV. IT IS MUTUALLY AGREED THAT:

4. (A) At the end of the sentence, add the words " at the Load and Launch Facility." - Made change

4. (C) Add a sentence which says " Fees may be used to establish a depreciation account to be used for maintenance, repair, and replacement of the infrastructure and facilities at the site." - Did not make change, but covered in 4.(E) below.

4. (E). Add a sentence at the end which says " The capital improvement account can be used for improvements that support and are incidental to the primary activity at the site including, but not limited to expanded restrooms, boat and trailer wash down facilities, stackable trailer storage, etc." - Expanded language and made change to cover maintenance, repair, etc. Did not list potential project specifics, as these will be addressed upon request and OK'd at a future point in time as they arise. However, that said I don't see a problem with any of the specific types of projects you have listed.

Paul A. Cyr
Statewide Access Program Coordinator
Alaska Department of Fish & Game
Division of Sport Fish
525 W. 67th Ave.
Anchorage, AK. 99518

Phone: (907) 267-2264
FAX: (907) 267-2466

COOPERATIVE AGREEMENT

COOP-12 -

between the

ALASKA DEPARTMENT OF FISH AND GAME

and the

CITY OF HOMER

for

Homer Harbor Boat Launch Facility Renovation

This cooperative agreement is made and entered into between the Alaska Department of Fish and Game, Division of Sport Fish, hereinafter referred to as the ADF&G and the City of Homer, hereinafter referred to as the CITY. ADF&G enters into this agreement under the authority of state statutes AS16.05.050(12) and AS36.30.850(c) and one or more of the following Federal Aid in Sport Fish Restoration programs: Recreational Boating Access (CFDA # 15-605), Boating Infrastructure Grants (CFDA # 15-622) and Clean Vessel Act (CFDA # 15-616).

I. PURPOSE OF THE AGREEMENT

To improve public recreational boating and sport fishing access to the marine waters near Homer by cooperatively renovating and maintaining the boat ramps and boarding floats in Homer Harbor. This will be accomplished in two phases: Phase I – preliminary design and permitting, and Phase II – final design and construction.

II. COVENANTS OF THE STATE

The ADF&G does hereby agree:

1. To hire a design consultant to complete planning activities (Phase I) for the future renovation of the Homer Load and Launch Ramps and boarding floats, hereinafter referred to as the launch facility. Phase I will consist of design and permitting activities and Phase II will consist of final design and construction-related activities. Once Phase I is complete, this agreement will be amended to address additional funding needed for Phase II of the project. The total estimated cost of Phase I is \$350,000.00. The source

of funding shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS).

2. To authorize the CITY to continue to manage and maintain the launch facility as a CITY facility. The CITY of Homer owns, operates, and maintains the existing facility, which is operated primarily for the use of recreational power boaters and sport anglers.
3. To perform a final inspection of the completed project to verify compliance with this agreement.

III. COVENANTS OF THE CITY

The CITY does hereby agree:

1. To dedicate to this project, CITY owned uplands *and/or* tidelands under and immediately adjacent to the launch facility. The parcel shall be used exclusively for boat launch ramps, boarding floats, a parking area for vehicles with boat trailers and other improvements incidental to this project. The parcel is shown on Attachment A.

The CITY warrants that it has the right, power, and authority to construct and maintain the improvements on the parcel and that there are no restrictions, covenants, easements, rights-of-way, or uses which would prevent the CITY from constructing and maintaining the improvements on the parcel.

2. To manage and maintain the launch facility for public use until December 31, 2033. The launch facility will be managed primarily for the benefit of the recreational boating and sport fishing public in providing access to public waters; consistent with current management. No change in this use will be made without prior written approval of ADF&G.

Management activities and maintenance services shall ensure orderly public use and keep the facility clean and in a good state of repair. Management and maintenance may be adjusted seasonally commensurate with seasonal public use.

ADF&G will consider the facility closed to the public if the CITY physically denies access, fails to provide adequate management or maintenance or allows incompatible uses of the facility that effectively limits public use by recreational boaters and sport anglers.

3. To obtain and comply with all federal, state and local permits required for construction and maintenance of the renovation project.

4. To install a sign identifying the participation of ADF&G, the Federal Aid in Sport Fish Restoration program, and sport anglers in facility development. To install additional signage as deemed appropriate, to indicate that the primary use of the facility is for sport fishing and recreational power boating access.

5. To be responsible, for a period of one year from the date of ADF&G's final inspection, for correcting all defects in the design or construction when the defect is brought to the attention of the CITY, without additional cost to ADF&G. The CITY will make good and be fully responsible for all damages to persons and property that arise from equipment or workmanship which is inferior, defective, or not in accordance with the terms of this agreement.

6. To maintain adequate insurance in conjunction with the design, construction and maintenance of the improvements.

7. To perform all aspects of the project in compliance with appropriate laws and regulations which include but are not limited to the following:

Local Building Codes- The CITY shall comply with applicable local buildings codes and shall obtain a building permit if required (AS 35.10.025).

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Allowable costs/Cost principles-OMB Circular No. A-87, "Cost Principles of State and Local Governments" establishes principles and standards for determining costs applicable to grants, contracts, and other agreements with state and local governments. A cost is allowable for federal reimbursement only to the extent of benefits received by federal programs, and costs must meet the basic guidelines for allow ability, reasonableness, and allocability.

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Audits- The CITY acknowledges that the Phase I source of funding shall be 75% from the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) and 25% from state matching funds. Availability of these funds shall be subject to approval of the project by the Federal Aid Office of the U.S. Fish and Wildlife Service (USF&WS) under CFDA 15.605.

The City acknowledges that receipt of federal funds may create audit requirements under OMB Circular A-133. The CITY acknowledges that the State of Alaska single audit provisions of 2 AAC 45.010 may also apply.

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Open Competition - The CITY shall comply with Executive Order 13202 dated February 17, 2001 prohibiting any requirements or bidding preferences based contractor affiliation with labor organizations.

8. If the CITY handles hazardous materials on the site, the CITY agrees to employ adequate procedures for safely storing, dispensing, and otherwise handling hazardous materials in accordance with applicable federal, state, and local laws. Hazardous materials include but are not limited to fuels and lubricants commonly used in vehicles and boats.

a. In the event of a hazardous materials spill by the CITY or the public using the site, the CITY shall act promptly, at its own expense, to contain the spill, repair any damage, absorb and clean up the spill area, and restore the site to a condition satisfactory to the ADF&G and in accordance with applicable federal, state, and local laws. The CITY shall be the lead agency in requesting additional funds from the legislature to cover the cost of spill clean-up. ADF&G shall support such requests.

b. If contamination of the site occurs as a result of the CITY's management of the site, the CITY shall indemnify, defend, and hold harmless the ADF&G from any and all claims, judgments, damages, penalties, fines, costs, liabilities, or losses.

IV. IT IS MUTUALLY AGREED THAT

1. ADF&G and the CITY shall cooperate in accomplishing the improvements to be provided under this agreement. ADF&G shall provide design criteria for the improvements and employ a private engineering firm to complete design and assist the city in obtaining necessary permits. The CITY shall be the lead agency in accomplishing all work necessary to make the improvements. The CITY may employ construction contractors as may be appropriate. The project shall be designed by a professional engineer registered in the State of Alaska unless exempt under AS 08.48.331.

2. The CITY shall perform the following tasks in accomplishing this project:

Phase I: Design and land status: The CITY shall obtain all required permits and dedicate the land as specified in paragraph III.1 above. Any funds not used for Phase I tasks shall be available for final design and construction-related (Phase II) activities.

Phase II: Final design and bidding: The CITY shall not proceed with final design or starting work with its own personnel or advertising for contractor bids until notified in writing by ADF&G that the USF&WS has approved the project. In the event USF&WS approval is not obtained by ADF&G or the non-federal match requirement cannot be acquired, this agreement shall be terminated. During the bidding process, the CITY shall send to ADF&G a copy of the bid package and all addenda that may be issued.

Construction: The CITY shall provide ADF&G a copy of the proposed construction schedule. The CITY shall also promptly notify ADF&G of all changes made to the schedule or the design. At the completion of the construction work, the CITY shall provide ADF&G a copy of the as-built plans. Reimbursement for construction work shall be contingent on ADF&G approval of work actually performed.

ADF&G review of designs, plans, specifications or other project-related documents will be to ensure conformance to the purpose of this agreement and shall not constitute engineering review nor relieve the CITY from responsibility to prepare an adequate design, meet code compliance, or assure that cost principles are applied to change orders.

3. The CITY will be reimbursed only for the cost of work actually completed which is directly related and allocable to the project and which ADF&G has approved. The CITY will not be reimbursed for administrative work or overhead it incurred while completing the project. Reimbursement will be made within 30 days of receipt and approval, by ADF&G, of a request for reimbursement from the CITY. All requests for reimbursement shall be adequately documented. Documentation may include copies of materials invoices, payroll ledgers, equipment logs, contract payments, etc. In the event of a late

payment, ADF&G will not pay late fees. Requests for reimbursement shall be mailed no more frequently than once a month to Jeff Breakfield at:

State of Alaska
Department of Fish and Game
Sport Fish Division, Region II
43961 Kalifornsky Beach Road, Suite B
Soldotna, Alaska 99669

The CITY shall maintain a separate set of accounting records for this project and shall retain these records for a period of three years from the termination of the agreement. These records shall be made available to the state for audit purposes.

With the exception of the final payment, requests for reimbursement shall be in amounts not less than \$10,000. If the CITY chooses to make monthly billings, such billings will be held by ADF&G until the total amount reaches at least \$10,000.

4. The CITY may charge user fees in accordance with Homer City Code 10.04.035, in effect on the effective date of this agreement. All future changes to the fee schedule shall be reviewed and approved by ADF&G. Fees shall be subject to the following criteria:
 - a. Fees for recreational boating and sport fishing use shall not exceed fees for other uses at the launch facility.
 - b. Fees shall not be imposed to recover the capital cost of the improvements covered by this agreement.
 - c. Fees shall not exceed the cost of operation, maintenance and improvement of the site.
 - d. Site specific fees that exceed the cost of operation, maintenance and improvement are program income. An area-wide fee, such as an annual launch permit, that allows the use of any CITY launch ramp usually is not considered program income. Fees collected and determined to be program income must be credited back to the Federal Aid in Sport Fish Restoration program through ADF&G. The basic policies for the treatment of program income by the USF&WS contained in 43 CFR Part 12 and OMB Circular A-102 apply to this agreement.
 - e. The CITY may establish a capital improvement account from user fees collected, to fund specified major improvements to the site and/or routine maintenance, repair or replacement of the infrastructure. Establishment of such an account shall be reviewed and approved by ADF&G. The CITY shall specify the improvement proposed, the estimated cost, and completion date when requesting approval. Fees accumulated in a

capital improvement account will not be considered program income if they are used for the approved improvement.

f. If required by future changes to federal regulations or at the request of ADF&G, the CITY shall provide ADF&G an accounting of fees collected and costs of operation, maintenance, and improvements. This accounting shall be on an annual basis and in sufficient detail to satisfy state and federal regulations.

g. Trailerable boats owned and operated by the ADF&G and the Department of Public Safety shall be allowed to use the facility at no cost in the course of carrying out their official duties to the extent such use does not interfere with public use of the facility.

5. The effective date of this agreement shall be from the date of final signature by ADF&G.

6. The design life of the facility is 20 years; therefore, this agreement shall remain in effect until December 31, 2033.

7. Either agency may terminate its involvement in this agreement by written notice to the other at least 90 days in advance of the date on which termination is to become effective. In the event that an agency terminates its involvement in this agreement, defaults in its duties under this agreement or this agreement expires, disposition of the sport fishing access improvements shall be accomplished by whichever of the following contingencies is appropriate:

a. Agreement expires on December 31, 2033:

ADF&G shall have the option to negotiate an extension of this agreement with the CITY for the continued use of the facility for public sport fishing access. ADF&G shall have 90 days after the expiration of this agreement in which to notify the CITY of its intent to exercise this option. If ADF&G does not exercise this option, all improvements shall become the property of the CITY.

b. ADF&G terminates its involvement:

If prior to December 31, 2033, ADF&G finds that there is no longer a need for the sport fishing access improvements covered by this agreement, then this agreement shall be terminated. Improvements funded by ADF&G shall become the property of the CITY at no additional cost to the CITY.

c. The CITY terminates its involvement:

If prior to December 31, 2033, the CITY closes the facility to the public, does not comply with the requirements of this agreement or terminates its involvement in the purpose of

this agreement, this agreement shall be terminated and the CITY shall reimburse ADF&G for:

1) the total funding it provided at the rate of 5 percent for each full year between the date of termination and December 31, 2033.

2) the appraised fair market value, on the date of the City's default, of any land acquired for the project with ADF&G funds.

This agreement shall be terminated when the City's reimbursement to ADF&G is completed. The CITY shall not be required to reimburse ADF&G in the event the facility must be closed to protect public safety because of casualty damage arising from a catastrophic occurrence.

8. The CITY may make improvements to the facility at its own expense provided the improvements are compatible with the purpose of this agreement and are approved in writing by ADF&G prior to construction.

9. Funding for major maintenance or repair of casualty damage will be negotiated on a case-by-case basis. Each agency's share of such funding shall be contingent on availability of funds.

10. The rights and responsibilities vested in each agency by this agreement shall not be assigned without the written consent of the other agency.

11. Agents and employees of each agency shall act in an independent capacity and not as officers, employees, or agents of the other agency in performance of this agreement.

12. Nothing in this agreement shall obligate either agency to the expenditure of funds or future payments of money in excess of those herein agreed upon or authorized by law.

13. Nothing in this agreement transfers title or land jurisdiction other than set forth herein.

14. The CITY shall indemnify, hold harmless and defend ADF&G from and against any claim of, or liability for error, omission or negligent act of the CITY under this agreement. The CITY shall not be required to indemnify ADF&G for a claim of, or liability for, the independent negligence of ADF&G. If there is a claim of, or liability for, the joint negligent error or omission of the CITY and the independent negligence of ADF&G, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. "CITY" and "ADF&G" as used within this paragraph, include the employees, agents and other contractors who are directly responsible, respectively, to each. The term "independent negligence" is negligence other than in ADF&G's selection, administration, monitoring or controlling of the CITY and in approving or accepting the CITY's work.

15. Both parties agree to comply with all applicable federal and state laws regulating ethical conduct of public officers and employees.

16. Each agency will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.

17. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.

18. This agreement may be revised as necessary by mutual consent of both parties, by the issuance of a written amendment, signed and dated by both parties.

19. All approvals and notices required by this agreement shall be written and shall be sent by registered or certified mail to:

Director
Division of Sport Fish
Alaska Dept. of Fish & Game
P.O. Box 115526
Juneau, Alaska 99811-5526

City Manager
Homer City Hall
491 East Pioneer Ave.
Homer, Alaska 99603

20. This agreement is complete and has no other encumbrances, addenda, attachments, or amendments with the following exceptions: Attachment A – Homer Load and Launch Facility - project area.

21. SIGNATURES:

For the City of Homer

Walt Wrede
City Manager

Date

For the Alaska Department of Fish and Game

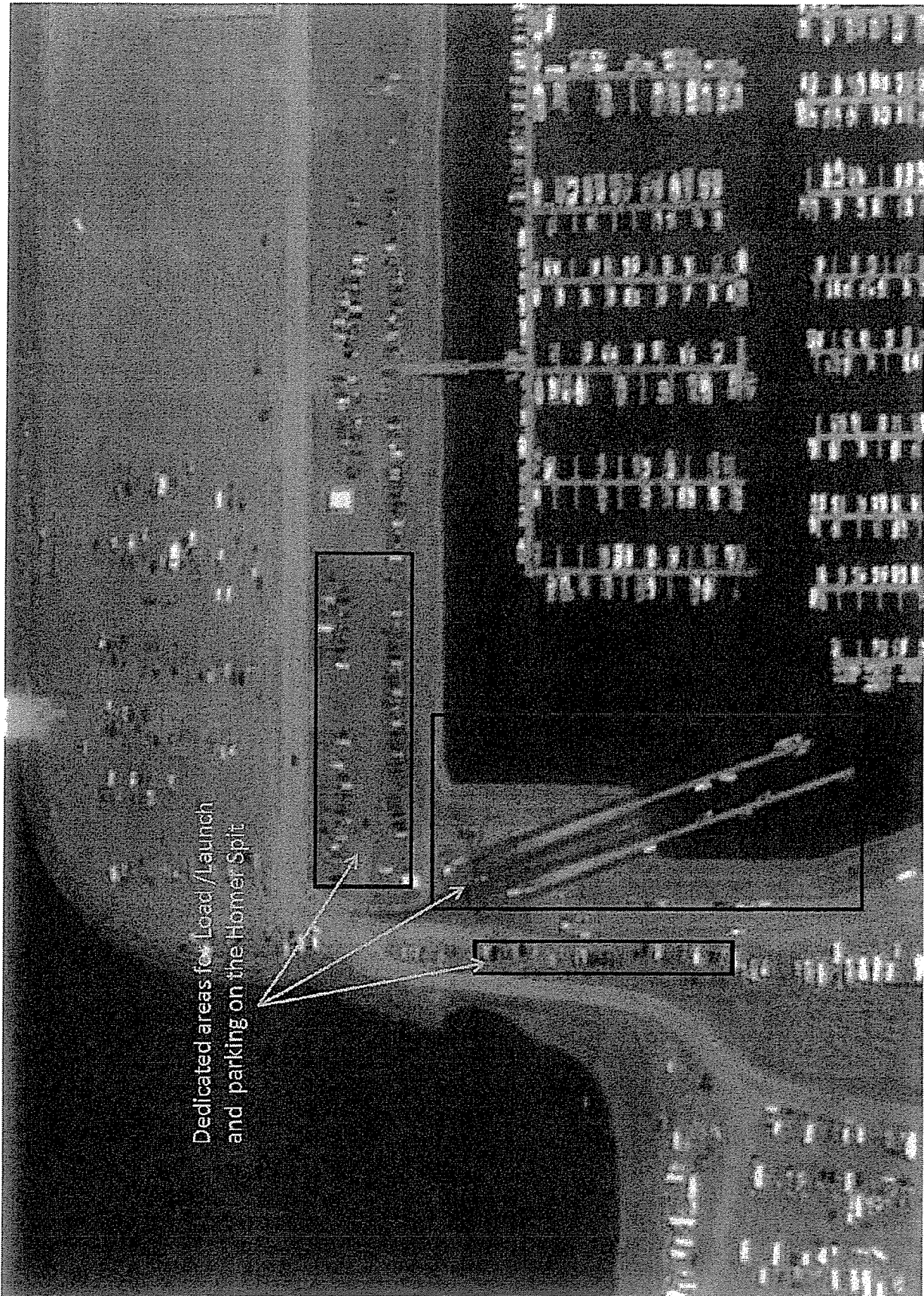
Charles O. Swanton, Director
Division of Sport Fish

Date

Kevin Brooks, Director
Division of Administrative Services

Date

ATTACHMENT A



NEW BUSINESS

RESOLUTION(S)

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 12-012

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE PORT AND HARBOR ADVISORY
COMMISSION BYLAWS REGULAR MEETING TIME TO BE
5:00 P.M. IN THE MONTHS OF SEPTEMBER THROUGH APRIL
AND 6:00 P.M. IN THE MONTHS OF MAY, JUNE, JULY, AND
AUGUST.

WHEREAS, Pursuant to the Port and Harbor Advisory Commission bylaws, this amendment was noticed at the Commission's regular meeting on December 14, 2011 and action was taken at the regular meeting on January 25, 2012 to amend their bylaws as follows:

A. **REGULAR MEETINGS:**

- Fourth Wednesday of each month at ~~5:00 p.m.~~ (Resolution 98-23, 05-110, 10-08); with the exception of the November and December meetings to be held on the Third Wednesday of the month. Meetings will begin at 5:00 p.m. in the months of January, February, March, April, September, October, November, and December; and at 6:00 p.m. May, June, July, and August.
- Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m.;
- Adding items or removing items from the agenda will be by majority consensus of the Commission;
- Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Port and Harbor Advisory Commission bylaws regular meeting time to be 5:00 p.m. in the months of September through April and 6:00 p.m. in the months of May, June, July, and August.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Office of the City Clerk

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

MEMORANDUM 12-022

TO: Mayor Hornaday and Homer City Council

FROM: Chair Ulmer and Port and Harbor Advisory Commission

DATE: February 7, 2012

SUBJECT: Bylaws Change Amending the Summer Meeting Time

At the December 14, 2011 regular meeting of the Port and Harbor Advisory Commission the body considered a memorandum to amend the meeting time to 6:00 p.m. in the months of May, June, July, and August. Commissioner's can be challenged to arrive at the meeting by 5:00 p.m. in the summer months due to seasonal work schedules and the body agreed that starting an hour later in the summer might alleviate that issue.

In accordance with the Commission's bylaws the Commission voted at the January 25, 2012 to approve this amendment and forward it to City Council for adoption.

1
2
3 **CITY OF HOMER**
4 **HOMER, ALASKA**

5 City Manager/Parks and
6 Recreation Advisory Commission

7 **RESOLUTION 12-013**
8

9 A RESOLUTION OF THE HOMER CITY COUNCIL
10 EXPRESSING SUPPORT FOR THE HOMER PLAYGROUND
11 PROJECT PROPOSAL TO CONSTRUCT A NEW
12 PLAYGROUND AT KAREN HORNADAY PARK DURING A
13 "BUILD WEEK" SCHEDULED FOR MAY 21-27, 2012, AND
14 ENCOURAGING COMMUNITY PARTICIPATION.
15

16 WHEREAS, The Homer Playground Project (HoPP) was established by community
17 members last spring to raise funds and mobilize volunteers to replace the old playground at
18 Karen Hornaday Park with a new and more diverse playground; and
19

20 WHEREAS, HoPP has engaged the services of a professional playground design firm
21 and produced a schematic design that reflects input from hundreds of Homer children and adults
22 and has been approved by the Karen Hornaday Park Committee; and
23

24 WHEREAS, In consultation with the playground designer, the City of Homer Public
25 Works Director, and private contractors; HoPP has determined that May 21-27, 2012, is the
26 optimum time for "Build Week," during which time the playground will be built by volunteers
27 with professional supervision; and
28

29 WHEREAS, HoPP has already raised \$60,608, including \$5,000 provided by the City of
30 Homer Ordinance 11-27 and is working hard to raise funds, recruit volunteers, and solicit
31 donations of tools and materials that will be needed to achieve this goal.
32

33 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
34 hereby supports the Homer Playground Project timeline that calls for May 21-27, 2012 to be
35 designated as "Build Week"; and urges community members of all ages to participate in this
36 worthwhile project.
37

38 PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2012.
39

40 CITY OF HOMER

41
42
43 JAMES C. HORNADAY, MAYOR

44 ATTEST:

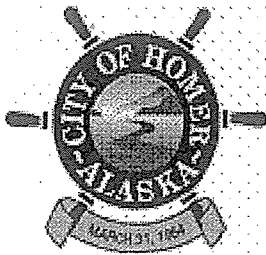
45
46
47 JO JOHNSON, CMC, CITY CLERK
48

49 Fiscal information: N/A

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130

(907) 235-8121
Extension: 2227
Extension: 2224

Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 12-020

TO: MAYOR HORNADAY AND CITY COUNCIL
THRU: WALT WREDE, CITY MANAGER
FROM: PARKS AND RECREATION ADVISORY COMMISSION
DATE: JANUARY 25, 2012
RE: RECOMMENDATION TO APPROVE A RESOLUTION EXPRESSING
SUPPORT FOR THE HOMER PLAYGROUND PROJECT

BACKGROUND

The Homer Playground Project (HoPP) requested the commission on January 5, 2012 during a special meeting to approve submitting a resolution to Council expressing support for and urging community/volunteer participation for the proposed playground at Karen Hornaday Park. The commission postponed a decision on this request until the regular meeting on January 19, 2012 and decided they would address it as a separate issue on the agenda.

During the January 19, 2012 regular meeting under Pending Business the commission reviewed the proposed language for a resolution expressing support and agreed to submit the resolution with no changes to Council for approval. The excerpt from that meeting follows:

C. Review and Recommendation to Submit a Memorandum of Support for HoPP to City Council.

Chair Bremicker opened discussion on this item.

LOWNEY/LILLIBRIDGE - MOVE TO SUBMIT A RECOMMENDATION TO CITY COUNCIL THAT THEY APPROVE THE RESOLUTION ENDORSING THE HOMER PLAYGROUND PROJECT AND ENCOURAGING COMMUNITY AND VOLUNTEER PARTICIPATION IN THE PROJECT.

There was brief discussion on using the language submitted in resolution form from the group HoPP.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Fire Chief

5 RESOLUTION 12-014
6

7 A RESOLUTION OF THE HOMER CITY COUNCIL
8 APPROVING A MUTUAL AID AGREEMENT FOR
9 EMERGENCY SERVICES EQUIPMENT AND PERSONNEL
10 BETWEEN THE CITY OF HOMER FIRE DEPARTMENT AND
11 THE ANCHOR POINT FIRE AND EMERGENCY MEDICAL
12 SERVICE AREA.
13

14 WHEREAS, Mutual aid agreements and associated operational plans provide for
15 additional resources to residents in the service areas of the parties to such agreements; and
16

17 WHEREAS, Mutual aid agreements and operational plans are common in the fire and
18 emergency medical service professions; and
19

20 WHEREAS, Alaska Statute 18.70.150 provides that: "A city, other incorporated entity,
21 and other fire protection groups may organize a mutual aid program by adopting an ordinance or
22 resolution authorizing and permitting their fire department, fire company, emergency relief
23 squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire
24 protection group, or territory outside of it"; and
25

26 WHEREAS, The Alaska Administrative Code authorizes state certified emergency
27 medical service providers to enter into mutual aid agreements with other such providers in
28 accordance with a municipal ordinance or resolution; and
29

30 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves
31 the mutual aid agreement for emergency services equipment and personnel between the City of
32 Homer Fire Department and the Anchor Point Fire and Emergency Medical Service Area and
33 authorizes the City Manager to execute the appropriate documents.
34

35 PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2012.
36

37 CITY OF HOMER
38

39 _____
40 JAMES C. HORNADAY, MAYOR

41 ATTEST:

42

43

44 _____
JO JOHNSON, CMC, CITY CLERK

45

46 Fiscal Note: N/A

OPERATIONS PLAN MUTUAL AID AGREEMENT

CITY OF HOMER FIRE DEPARTMENT/ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA

This Operational Plan between the City of Homer on behalf of the Homer Volunteer Fire Department and the Kenai Peninsula Borough on behalf of the Anchor Point Fire and Emergency Medical Service Area is for the exchange of emergency services equipment and personnel.

The purpose of this operational plan is to outline the procedures for carrying out a mutual aid response between the City of Homer Volunteer Fire Department (HVFD) and Anchor Point Fire and Emergency Medical Service Area (APFEMSA). This plan is a guide for day-to-day operations. This Operational Plan may be revised, amended, or altered annually by mutual consent of the authorized representatives of the City of Homer and the Kenai Peninsula Borough for the purpose of carrying out the original intent of the Mutual Aid Agreement.

I. AMOUNT AND TYPE OF ASSISTANCE

For fire responses, HVFD will provide a tanker/engine company with a crew of two for response to the incident scene if requested by the OIC. The APFEMSA Company Officer will have the option to direct the responders to any other location as needed within the Anchor Point Fire and Emergency Medical Service Area.

A HVFD Medic unit may be requested within the entire Anchor Point Fire and Emergency Medical Service Area jurisdiction. The response will be an Advanced Life Support ("ALS") unit with a minimum of two personnel. Upon dispatch, the HVFD OIC may alter the manning of the unit to best suit the call.

For fire responses, APFEMSA will provide an engine company with a minimum crew of two on a mutual aid request to the incident scene. HVFD Shift Officer will have the option to direct the responder to any other location as needed within the City of Homer.

Emergency medical responses to Homer will be with an Advanced Life Support ("ALS") unit staffed with a minimum of two personnel. They will respond as requested by the HVFD Shift Officer. The APFEMSA OIC may alter the manning of the unit to best suit the call.

Increased response needs will be addressed by the Chiefs upon need notification. Available recourses will be provided to the requesting Department after local jurisdiction requirements are met and maintained to the extent available.

II. TRAINING

Joint training exercises shall be carried out annually under the direction of the Fire Chief's Operation/Training Officers in each department. Class instruction should be available upon request by each department.

III. COMMUNICATIONS

RADIO -- The responding agency, after notifying their dispatch center they are en route, will switch to the requesting agency's dispatch channel, and advise they are en route. In all cases, the incoming party will communicate with Command unless advised otherwise. Radio traffic will be kept to a minimum. Clear text will be used at all times.

IV. FIRE INCIDENT REPORTING

Each agency shall be responsible for reporting the incident in accordance with their department's policy and procedures.

V. REVISIONS

Operational Plans shall be cooperatively developed, reviewed annually, and become part of the Mutual Aid Agreement upon consent of the agencies and execution by the City Manager and Borough Mayor.

APPROVED:

ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA

By: _____
Its: Chief
Date: _____

HOMER VOLUNTEER FIRE DEPT.

By: _____
Its: Chief
Date: _____

KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Date: _____

CITY OF HOMER

By: _____
Its: City Manager
Date: _____

APPROVED AS TO FORM

By: _____
Its: Borough Attorney
Date: _____

APPROVED AS TO FORM

By: _____
Its: City Attorney
Date: _____

ATTEST:

Johni Blankenship, Borough Clerk

**Exhibit A to Mutual Aid Agreement
2012 Operations Plan**
Anchor Point Fire and Emergency Medical Service Area/ Niniilchik Emergency Services

This Agreement between Anchor Point Fire and Emergency Medical Service Area (“APFEMSA”) and Niniilchik Emergency Services is for the exchange of emergency services, equipment, facilities and personnel pursuant to the Mutual Aid Agreement between these services areas dated _____.

The purpose of this Operations Plan is to outline the day-to-day procedures for carrying out a mutual aid response between the above departments.

I. AMOUNT AND TYPE OF ASSISTANCE

Each department may provide equipment, apparatus and personnel as necessary and available to respond. The responding department must retain sufficient equipment, apparatus and personnel to ensure a reasonable level of fire and emergency response within its own jurisdictional boundaries.

II. AREA COVERED

- a. The jurisdictional boundaries of APFEMSA are as described in KPB16.60.010.
- b. The jurisdictional boundaries of Niniilchik Emergency Services are within the boundaries of the village of Niniilchik from mile marker 119 to mile marker 144 of the Sterling Highway.
- c. The departments shall exchange map books of their jurisdictional areas, and/or other maps as available.

III. TRAINING

Joint training exercises shall be carried out at least annually under the direction of the Chief or Training Officers in each department, with a higher frequency of joint training sessions recommended.

IV. COMMUNICATIONS

RADIO – Representatives of the responding departments, after notifying their dispatch center they are en route, will switch to the requesting department’s command channel, and advise they are en route. In all cases the incoming party will communicate with Incident Command (IC) unless advised otherwise by IC. Radio traffic will be kept to a minimum. Clear text will be used.

V. INCIDENT COMMAND

Each department shall use the Incident Command System, ICS, within the National Incident Management System, NIMS.

VI. INCIDENT REPORTING

Each department shall be responsible for documenting the incident to satisfy their respective department's needs, state and national requirements.

VII. REVISIONS

Annual Operational Plans shall be cooperatively developed and become part of the Mutual Aid Agreement upon execution by the Kenai Peninsula Borough Mayor.

AGREED:

ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA.

By: _____
Its: Chief
Date: _____

AGREED:

NINILCHIK EMERGENCY SERVICES

By: _____
Its: Chief
Date: _____

APPROVED:
KENAI PENINSULA BOROUGH

By: _____
Its: Mayor
Date: _____

APPROVED AS TO FORM and
LEGAL SUFFICIENCY:

Assistant Borough Attorney

Approved by
KPB Resolution No. 2012-_____

ATTEST:

Borough Clerk

CITY OF HOMER
HOMER, ALASKA

Mayor/Zak

RESOLUTION 12-015

A RESOLUTION OF THE HOMER CITY COUNCIL
EXPRESSING SUPPORT FOR THE KENAI PENINSULA
ECONOMIC DEVELOPMENT DISTRICT 2013 ECONOMIC
OUTLOOK FORUM TO BE HELD IN HOMER.

WHEREAS, The Kenai Peninsula Economic Development District (KPEDD) has held an annual Economic Outlook Forum for many years; and

WHEREAS, KPEDD has partnered with the Kenai Chapter of the Alliance in holding the forum for the past three years; and

WHEREAS, The Borough-wide Economic Outlook Forum is a means to increase partnerships between communities, agencies, and residents who share common issues; and

WHEREAS, The annual forum draws between 180 – 200 participants and approximately 25 speakers and is made possible with sponsorships from local oil, gas, and mining companies and support service companies within the area; and

WHEREAS, The Homer City Council extends an invitation to the KPEDD and Kenai Chapter of the Alliance to consider meeting in Homer for their 2013 Economic Outlook Forum; and

WHEREAS, Homer's small town charm and natural beauty would be a desirable meeting place with adequate amenities and accommodations to welcome the forum.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council expresses its support for holding the Kenai Peninsula Economic District 2013 Economic Outlook Forum in Homer and extends an invitation to the KPEDD and Kenai Chapter of the Alliance to consider Homer as the meeting place.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2012.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

37 ATTEST:

38

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41 _____
JO JOHNSON, CMC, CITY CLERK

42

43 Fiscal Note: N/A

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 12-016
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, EXPRESSING SUPPORT FOR HOUSE BILL 184
8 RELATING TO THE SHARING OF TAX REVENUE FROM
9 THE FISHERIES BUSINESS TAX AND FISHERY RESOURCE
10 LANDING TAX WITH MUNICIPALITIES; AND PROVIDING
11 FOR AN EFFECTIVE DATE.
12

13 WHEREAS, Currently 50% of funds generated by the Fisheries Business Tax and
14 Fisheries Landing Tax on fish processed inside the City are divided equally between the state
15 and municipality; and
16

17 WHEREAS, Under HB 184 the funds generated by the Fisheries Business Tax and
18 Fisheries Resource Landing Tax on fish landed inside a city are divided 75% to the municipality
19 and 25% to the state; and
20

21 WHEREAS, Increasing the fisheries related tax revenue that is shared with municipalities
22 who generate the revenue more accurately covers the cost of building and maintaining the
23 infrastructure utilized in generating the tax; and
24

25 WHEREAS, HB 184 directs the Fisheries Business Tax revenue on fish that are sold to a
26 buyer in the municipality but sent out of state unprocessed back to the incorporated port where
27 the fish were landed and where the revenue was generated; and
28

29 WHEREAS, HB 184 reflects the changing nature of fisheries where more high value
30 product is being shipped outside the state fresh and unprocessed; and
31

32 WHEREAS, HB 184 directs municipalities to use the additional revenue distributed
33 under the Act to help maintain and improve their harbor facilities and report to the legislature
34 annually on how funds were used.
35

36 NOW, THEREFORE, BE IT RESOLVED that the City of Homer supports House Bill
37 184 to increase the share of tax revenue generated from the Fisheries Business Tax and Fishery
38 Resource Landing Tax to municipalities and providing for an effective date.
39

40 PASSED AND ADOPTED by the Homer City Council on this 13th day of February,
41 2012.

42 CITY OF HOMER

43
44 _____
45 JAMES C. HORNADAY, MAYOR

46
47 ATTEST:

48
49 _____
50 JO JOHNSON, CMC, CITY CLERK

51
52 Fiscal Note: N/A

53
54

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

