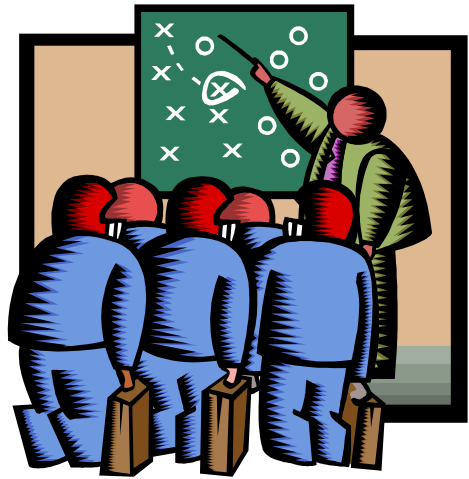


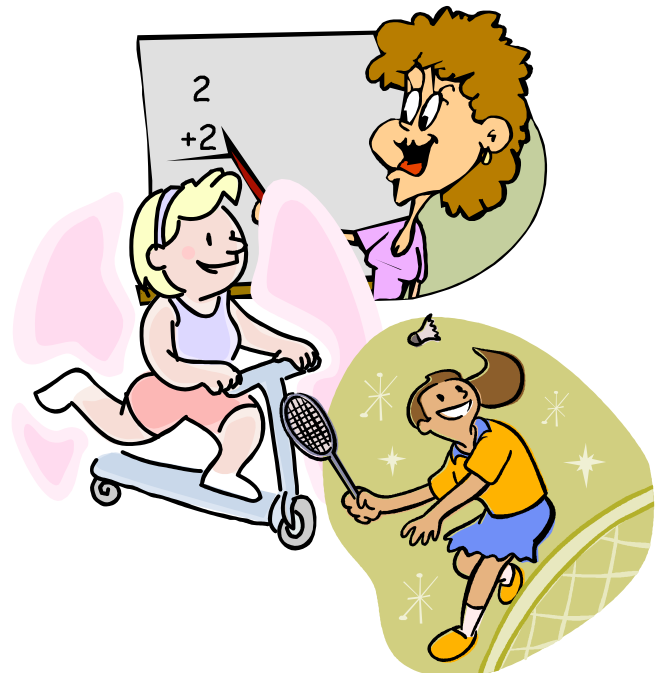
City Council  
April 22, 2013  
Monday



Worksession 4:00 P.M.  
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

Produced and  
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# April 2013

Monday 22 <sup>nd</sup>	<b>CITY COUNCIL</b> Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
Wednesday 24 <sup>th</sup>	<b>PORT AND HARBOR ADVISORY COMMISSION</b> Regular Meeting 5:00 p.m.
Wednesday 1 <sup>st</sup>	<b>PLANNING COMMISSION</b> Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
Thursday 2 <sup>nd</sup>	<b>KAREN HORNADAY PARK COMMITTEE</b> Meeting 5:30 p.m.
	<b>KACHEMAK DRIVE PATH COMMITTEE</b> Meeting 5:30 p.m.
Tuesday 7 <sup>th</sup>	<b>LIBRARY ADVISORY BOARD</b> Regular Meeting 5:00 p.m.
Thursday 9 <sup>th</sup>	<b>PUBLIC ARTS COMMITTEE</b> Regular Meeting 5:00 p.m.
	<b>PERMANENT FUND COMMITTEE</b> Regular Meeting 5:15 p.m.
Monday 13 <sup>th</sup>	<b>CITY COUNCIL</b> Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

## Regular Meeting Schedule

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

## MAYOR AND CITY COUNCILMEMBERS AND TERMS

- BETH WYTHER, MAYOR – 14
- FRANCIE ROBERTS, COUNCILMEMBER – 15
- BARBARA HOWARD, COUNCILMEMBER – 14
- DAVID LEWIS, COUNCILMEMBER – 14
- BRYAN ZAK, COUNCILMEMBER – 13
- BEAUREGARD BURGESS, COUNCILMEMBER – 15
- JAMES DOLMA, COUNCILMEMBER - 13

City Manager, Walt Wrede  
City Attorney, Thomas Klinkner

<http://www.cityofhomer-ak.gov/cityclerk> home page access, Clerk's email address is: [clerk@ci.homer.ak.us](mailto: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](http://www.cityofhomer-ak.gov)



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**APRIL 22, 2013**

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER BARBARA HOWARD  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER JAMES DOLMA  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER WALT WREDE  
CITY CLERK JO JOHNSON

## **WORKSESSION AGENDA**

### **1. CALL TO ORDER, 4:00 P.M.**

Councilmember Zak has requested telephonic participation.

Councilmember Roberts has requested excusal.

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

### **3. HERC Building**

Memorandum 13-058 from City Manager as backup.

### **4. COMMENTS OF THE AUDIENCE**

### **5. ADJOURNMENT NO LATER THAN 4:50 P.M.**

Next Regular Meeting is Monday, May 13, 2013 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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## MEMORANDUM 13-058

**TO:** Mayor Wythe and Homer City Council

**FROM:** Walt Wrede

**DATE:** April 17, 2013

**SUBJECT:** HERC Workshop

The Council has scheduled another workshop to discuss the future of the HERC Building on April 22<sup>nd</sup>. I regret that I do not have a whole lot of new information to provide however, I think that this discussion is timely nonetheless. The future of this building is very much up in the air as you know. There is pressure to upgrade the building and keep it open, but very limited money to do so. Funding for capital improvements and for maintenance and operations are in very short supply. To refresh your memory, I have attached old memos from Mike Illg which address potential uses and community interest in the building.

### Updates:

1. The Fire Marshall did not make an appearance in March as promised. At the time this was written, I was trying to contact him. Hopefully, I will have more to report at meeting time.
2. You will recall that Council authorized us to apply for a Community Development Block Grant to make upgrades in the Boys and Girls Club section of the building. We received notice that the grant application was not approved.
3. There seemed to be very little interest among legislators this year in providing funding for upgrades to this building.
4. The Boys and Girls Club Lease expires at the end of the school year. At the time this was written, I was attempting to contact the Executive Director to better understand their status and future plans.

The staff is fully engaged and has been focused on other pressing priorities and as a result, this issue has been lingering for some time. The Council is sending out confusing and sometimes contradictory messages about its intentions. The administration probably is as well. The purpose of this memo is to chart a course of action and get the Council on a path that leads to a decision. It seems that in order for the Council to make an informed decision about the future of the building, it needs to have the best and most complete information it can get so that it can adequately weigh the options. There are still many information gaps that need to be filled. Following is a list of steps that can or should be taken in order to fill those gaps. I am hoping that the discussion at the workshop can include these steps and provide us with an indication of which ones, if any, the Council wants us to proceed with.

- Demolition costs estimates, including the cost of Haz-Mat removal.
- Review of architect/engineer estimate for bringing building up to code by local contractors/cost estimators with an eye toward cost savings and a phased approach.

- A complete Fire Marshall Report
- Possible Borough assistance with Haz-Mat removal
- Borough assistance amending the property transfer agreement so the option of selling the property is available.
- Review costs and benefits of natural gas conversion
- Include future of building, Community Recreation, and Parks and Rec generally in strategic planning effort
- Review alternatives such as saving the gym and demolishing the rest of the building.
- Explore Borough Recreation Area idea.
- Take steps to measure the level of community support for all options including demolition, demolition and construction of a new Community Rec Center, upgrading the existing building etc. The most important part is to ask about willingness to pay. Both construction money and maintenance and operations funding will be needed. This could be done through surveys or an advisory vote this October.



## Jo Johnson

---

**From:** Walt Wrede  
**Sent:** Wednesday, April 17, 2013 11:15 AM  
**To:** Jo Johnson  
**Subject:** FW: HERC building work session meeting & information Monday, April 22 at 4pm  
**Attachments:** Homer Recreation Center proposal Updated 4-25.docx; HERC budget projected.updated 8-31.xlsx; Flow Chart 1.docx; Potential Interior Uses for the HERC Building.docx; Popeye HERC.doc; Howl HERC\_request.doc; HERC\_BBBS.pdf; HERC letter from ILC.docx; CACS Letter of Support HERC Building.pdf; Boys & Girls club letter HERC.pdf

JO: Here is some background information for the HERC workshop. This e-mail from Mike should be included also.

Thanks, walt

---

**From:** Mike Ilg  
**Sent:** Wednesday, April 10, 2013 1:47 PM  
**To:** Walt Wrede  
**Subject:** HERC building work session meeting & information Monday, April 22 at 4pm

Hi Walt,

I think this informational documents will be helpful for the city council to review and have in their packet for the upcoming April 22<sup>nd</sup> work session.

Here is previous information I have shared with you, city council, parks & rec commission, etc. in regards to the HERC building.

I want to remind you that we have received many inquiries to use this building for additional City of Homer Community recreation programs, other agency recreational opportunities, private rental space, birthday rentals, and long term office/work space rentals. The Boys and Girls club has also received many inquiries (I do not know how many or from who) from the public as well in which they informed them that the building was not available. While there is obvious public interest to pay to use the building this is not on everyone's radar. The current informal policy for facility use at the HERC is that we are to hold off for any additional use or activity until we know which direction the community and the city wants to proceed.

In addition to Boys & Girls Club use, the community recreation program also uses and needs the gym space for programs.

We currently offer:

-Toddler Indoor Playgroup: Mondays & Friday mornings, 10:30am –noon. This is for parents, grandparents to bring their toddlers (0-5) to play, run and romp in a clean warm, indoor space.

-Pickle Ball: Wed. & Fri. 6:30-8:30PM and Sat. 9:30-11:30am. This is a popular activity for participants ages 12 and up. We have seeing a great demographical mix of intergenerational participants from senior citizens to Jr. high ages.

We have a number of other activities we could use the gym space for CR activities but is not possible as we the facility use is "on hold". With limited time and space at Homer High and Homer Middle, CR could benefits from this space to offer additional programs and activities that equate to additional physical and social health not to mention additional user fees to support the program.

I also want to remind you of the CR mission statement: "City of Homer Community Recreation will promote community involvement in and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of community facilities and resources while utilizing, expanding, and uniting local business and school resources and expertise. The program is designed to recognize cultural diversity and to address social and community concerns".

If CR were to take over the HERC building it is my professional opinion that will not be changing the intended use of the building as CR is an educational (college/B&G Club was previous tenant) and recreational (B&G Club) based program that would equate to the proposed ten million dollars worth of upgrades needed to move CR in the building. I have read and reviewed the documents regarding the purchase of the building from KPB that states it could be used for educational and recreational purposes. Further, I do not believe the building is unsafe as we have allowed many city employees to work in this building for almost a year while the city hall was renovated.

In closing, community members have expressed to me the need and desire to use this building and campus for many purposes that could enhance the many variables in our community. Now may be the time to consider and ask the community at large what they would like to do with the building as there is certainly an expressed and documented need for additional recreational opportunities and this building can assist with temporarily fulfilling this need while discussing/planning other possible plans for the future.

Thanks,

Mike

## The Homer Recreation Center

The City of Homer Community Recreation Program is a municipal service offered by the City of Homer since 2006. While the city limits encompasses approximately 5,000 residents the surrounding area has an additional 10,000 non-city residents who also benefit and participate in the recreation program. The mission statement of the recreation program is as stated, "City of Homer Community Recreation will promote community involvement in and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of community facilities and resources while utilizing, expanding, and uniting local business and school resources and expertise". "Our program will be designed to recognize cultural diversity and to address social and community concerns".

The recreation program primarily offers indoor recreational programming activities especially during the colder fall, winter and spring months when the outdoor recreational opportunities become limited. The recreation program is primarily located at the local Homer High School with additional activities at the Homer Middle School when the high school is not available. The recreation program is limited to working around all school district related activities and must pay \$6,000 annually to the school district for custodial and utility expenses. We may not offer any programs during school hours (8:30am-3:15pm) and we must also accommodate their after school sports practice schedule and games. Consequently, the recreation program has been subjected to recent schedule changes where traditional and regular CR use of the schools has been eliminated or drastically changed due to the recent increase demand of space need for school district activities, sports and practices. This has created a significant operational and logistical barrier where advertised CR programs now lack consistent time allocations and physical space for existing programs while hindering the opportunity to offer anything new

programs.

This proposal pertains to the use of the Homer Education and Recreation Center (HERC) building to provide recreational and educational activities and programs for participants of all ages. There are three separate budgets: HERC, Community Recreation and combined. I envision staffing and other areas of maintenance and operations may be combined maximizing services and efficiency.

Developing the HERC (Homer Education and Recreation Center) building into a recreation center would provide long-term benefits:

- ✓ Providing a recreation center will support the campaign to reduce and hopefully eliminate youth obesity and encourage healthy lifestyles in our community by offering positive, healthy and productive options.
- ✓ Both programmable and drop-in recreational space is currently lacking for local youth, adults and senior citizen's activities.
- ✓ Facility will serve all residents for all hours of the day as opposed to a part time basis through the school usage. More accessibility means more usage which equates to more revenue.
- ✓ A recreation center will attract new businesses and residents as recreational services are often determining factors for relocation and establishing permanent residency.
- ✓ While there is a strong local emphasis on trails, parks and outdoor recreation, the demand for indoor recreational opportunities is significant especially during the long cold winter months.
- ✓ Other towns are pulling away from us in terms of facilities and programs. If we are to remain competitive with other communities in attracting and retaining residents, we need a recreation facility.
- ✓ While the local schools have gymnasiums, accessibility is becoming increasingly difficult and limited due to school related activities and local policy changes.
- ✓ The HERC, located near the intersection of Pioneer Avenue and the Sterling Highway, is an ideal location with proximity to local schools, bus routes, local businesses and residential areas.
- ✓ The recreation center could also provide space for private rentals and functions, such as indoor birthday parties, corporate training, private classroom instruction, etc.

## Potential use of space:

- social and craft rooms
- indoor playground
- partnerships with Boys and Girls Club and other service oriented groups
- dance/exercise room
- meeting rooms
- kitchen space
- computer clubroom
- full-size gymnasium
- weight and aerobic rooms
- toddler playroom
- restrooms
- office space rental
- storage area
- gymnastics
- youth sports: basketball, soccer, volleyball, gymnastics, wrestling
- Adult leagues & recreation programs
- local school feeder programs
- teen activities
- Inclusive/adaptive recreational programs: The Center, TRAILS
- learning center

## Possibilities for funding

- Community fundraising and donations
- Grants
- State appropriation
- Local government funding (general fund, recreational service area, bed tax, etc.)
- Possible partnerships with health and wellness companies
- general obligation bonds
- business sponsors
- memberships/participant fees
- rental fees
- recreation budget

Significant revenues could be raised by charging a fee of \$4/per person for all drop-in

recreational activities, collecting hourly rental fees for use of classroom and the gymnasium

separate from Community Recreation activities, and seeking sponsorships and advertisements. Grants are another possible source of revenue in addition to possible state appropriations for future modifications. To assist with keeping costs low, the Community Recreation program would encourage and support the use of volunteers and partnerships to help operate, support, and maintain the facility. The Community Recreation program is a beneficiary of thousands of donated volunteers hours annually and we would foresee an increase if needed. In addition, we would consider partnering with local organizations such as the Boys & Girls Club to assist with supervision and implementation of youth related programs. There is also potential for a community garden, greenhouse and other great community based partnerships that could exist on the campus.

The recreation program is a small hub of economic development. All of our instructors are contracted and are essentially operate as part time businesses. The expansion of the recreation program's physical space provides the opportunity for businesses to offer additional classes thus generating revenue for them as well as for CR. The addition revenue is would help support the overall recreation program's budget. The creation of additional jobs and the exchange of services/goods are signs of a healthy community generating commerce within our community.

It should be noted that the City of Homer Comprehensive Economic Development commission has recommended instituting a bed tax as a way to fund the construction and operation of a conference center. The Homer Recreation Center could possibly be used to provide meeting space for several hundred participants, thus meeting a long-recognized need in the community.

## Rentals

The Homer Community Recreation Center could rent space for many activities and events. Homer CRC staff would provide personal attention everything runs smoothly for events such as:

- Business Meetings
- Trainings and Workshops
- Birthday Parties
- Wedding Showers
- Baby Showers
- Anniversary Parties
- Indoor Recreational Activities
- Food Preparation (Kitchen area)
- Performances

Rental fees would be based on the organization and the purpose of the activity. Examples:

**Private Business/Organization:** Businesses renting for self interest that are primary social in nature or business oriented. (Examples are parties, showers, business meetings, etc.)

**Non-Profit Community Organizations:** Not for profit groups and organizations that are of a service nature.

**Political Groups:** National, state and local political parties are permitted to rent City facilities for any legal use such as fundraising events, rallies, occasions to solicit membership, and annual meetings.

### Proposed Rental Rates

(Available days and times vary per season.)

Room	Community Organizations (per hour)	Private / Business (per hour)	Political Groups (per hour)
Multipurpose Room #1 or #2	\$25	\$30	\$35
Combined Multipurpose Rooms #1 and #2	\$45	\$55	\$65
Gym	\$55	\$65	\$75

**FY2013  
Proposed**

	HERC	CR	
5101 Regular Employees	\$0.00	\$52,652.00	
5102 Fringe Benefits	\$0.00	\$30,445.00	
5103 P/T Employees	\$0.00	\$4,000.00	
5104 Fringe benefits P/T	\$0.00	\$184.00	
<b>Total Salaries and Benefits</b>	<b>0</b>	<b>\$87,281</b>	<b>\$87,281</b>

	HERC	CR	Combined
<b><u>Maintenance and Operations</u></b>			
5201 Office Supplies	\$500	\$500	\$1,000
5202 Operating Supplies	\$2,000	\$2,500	\$4,500
5203 Fuel/Lube	\$55,000	\$0	\$55,000
5208 Equipment	\$18,000	\$500	\$23,000
5209 Building & Grounds Maintenance	\$5,500	\$0	\$5,500
5210 Professional & Special Services	\$3,500	\$14,500	\$18,000
5215 Communications	\$1,200	\$1,950	\$3,150
5217 Electricity	\$25,000	\$0	\$25,000
5218 Water	\$1,600	\$0	\$1,600
5219 Sewer	\$2,500	\$0	\$2,500
5220 Refuse/Disposal	\$200	\$0	\$200
5221 Property Insurance	\$2,800	\$0	\$2,800
5223 Liability Insurance	\$2,200	\$1,029	\$3,229
5227 Advertising	\$0	\$950	\$950
5235 Membership/Dues	\$0	\$185	\$185
5236 Transportation	\$0	\$300	\$300
5237 Subsistence	\$0	\$250	\$250
5238 Printing/Binding	\$0	\$1,800	\$1,800
5603 Employee Training	\$0	\$250	\$250
5614 Car Allowance		\$300	\$300
<b><u>Total Maintenance and Operations</u></b>	<b>\$120,000</b>	<b>\$25,014</b>	<b>\$145,014</b>
<b>Total</b>	<b>\$120,000</b>	<b>\$112,295</b>	<b>\$232,295</b>



**LINE ITEM EXPLANATIONS: HERC**

5201- paper, pens, etc  
 5202-Printer, ink, promotion etc  
 5203-Combined expenses with maintenance building  
 5208- sports equipment, \$15,000 for exercise equipment, one time allocation  
 5210- lawn maintenance & plowing  
 5215-5223- Combined expenses with maintenance building

**LINE ITEM EXPLANATIONS: CR**

5201- paper, pens, etc.  
 5202-Printer ink, promotion, etc  
 5208- sports equipment, \$15,000 for exercise equipment, one time allocation  
 5210- \$6,000 for school rent, referees, Mt. Films, background checks  
 5228- Recreation Guide printing

	<u>Revenue</u>	<b>HERC</b>	<b>CR</b>	<b>Combined</b>
3101	Class Fees	\$45,000	\$30,000	75,000
3102	Rental Fees	\$15,000	0	\$15,000
3103	Sponsorships/Advertisements	\$5,000	\$2,500	\$7,500
3104	Grants	\$10,000	0	\$10,000
	<b><u>Total Revenue</u></b>	<b>\$75,000</b>	<b>\$32,500</b>	<b>\$107,500</b>
	<b>General Fund Transfer:</b>	\$45,000	\$79,795	\$124,795
	<b>Total:</b>	<b>\$120,000</b>	<b>\$112,295</b>	<b>\$232,295</b>

**Community Recreation Statistics**

2011

Summary Spring 11 to Winter 11-12	City of Homer Community Recreation
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**Participants (Ages)**

Session	Events	Programs Offered	Programs Cancelled*	0-19	20&up	Total	Total Visits	Revenue
Winter 10-11	2	31	11	189	559	748	4,816	\$13,447
Spring 11	2	34	8	807	465	1272	6,754	\$5,912
Summer 11	0	14	0	94	144	238	1,436	\$3,547
Fall 12	2	37	9	205	399	604	2,015	\$7,252
<b>TOTAL:</b>	<b>6</b>	<b>116</b>	<b>28</b>	<b>1295</b>	<b>1567</b>	<b>2862</b>	<b>15,021</b>	<b>\$30,158</b>

The proposal includes forging potential partnerships; seek private rentals and possible sponsors to help generate additional funds to support the program as a whole. There will be some initial investments and the potential need to hire at least one additional full-time recreation employee that could be sustained and justified with the projected increase of activities and service. While energy costs being the biggest expense, I am optimistic this can be defrayed with the potential new gas line. In addition, there may be a need to upgrade the facility; I propose that the facility be considered for possible state appropriations allocation as it would be heavily used by community members throughout the southern peninsula. By having a the physical structure that is centrally located and readily available for use opposed to being removed or cancelled with limited notification, I predict the recreation program will thrive with participation, revenue generation and an improvement in community and political support. The presence of a quality recreation program will result in a healthier community, improved social value, and increased economic development by attracting new residents and businesses. In addition, this move may allow the recreation program to flourish and focus on benefits based programming to further strengthen the need, purpose and support for the recreation program, convincing the community and constituents alike that parks and recreation is an important service.

FY2013  
Proposed

	HERC	CR
5101 Regular Employees	\$0.00	\$52,652.00
5102 Fringe Benefits	\$0.00	\$30,445.00
5103 P/T Employees	\$0.00	\$8,000.00
5104 Fringe benefits P/T	\$0.00	\$368.00

<b>Total Salaries and Benefits</b>	<b>0</b>	<b>\$87,281</b>	<b>\$87,281</b>
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	HERC	CR	Combined
<b><u>Maintenance and Operations</u></b>			
5201 Office Supplies	\$500	\$500	\$1,000
5202 Operating Supplies	\$2,000	\$2,500	\$4,500
5203 Fuel/Lube	\$37,000	\$0	\$37,000
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5209 Building & Grounds Maintenance	\$5,500	\$0	\$5,500
5210 Professional & Special Services	\$3,500	\$14,500	\$18,000
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5235 Membership/Dues	\$0	\$185	\$185
5236 Transportation	\$0	\$300	\$300
5237 Subsistence	\$0	\$250	\$250
5238 Printing/Binding	\$0	\$1,800	\$1,800
5603 Employee Training	\$0	\$250	\$250
5614 Car Allowance	\$0	\$300	\$300
<b>Total Maintenance and Operations</b>	<b>\$96,000</b>	<b>\$25,014</b>	<b>\$121,014</b>

<b>Total</b>	<b>\$96,000</b>	<b>\$112,295</b>	<b>\$208,295</b>
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**LINE ITEM EXPLANATIONS: HERC**

5201- paper, pens, etc
5202-Printer, ink, promotion etc
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**LINE ITEM EXPLANATIONS: CR**

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5202-Printer ink, promotion, etc

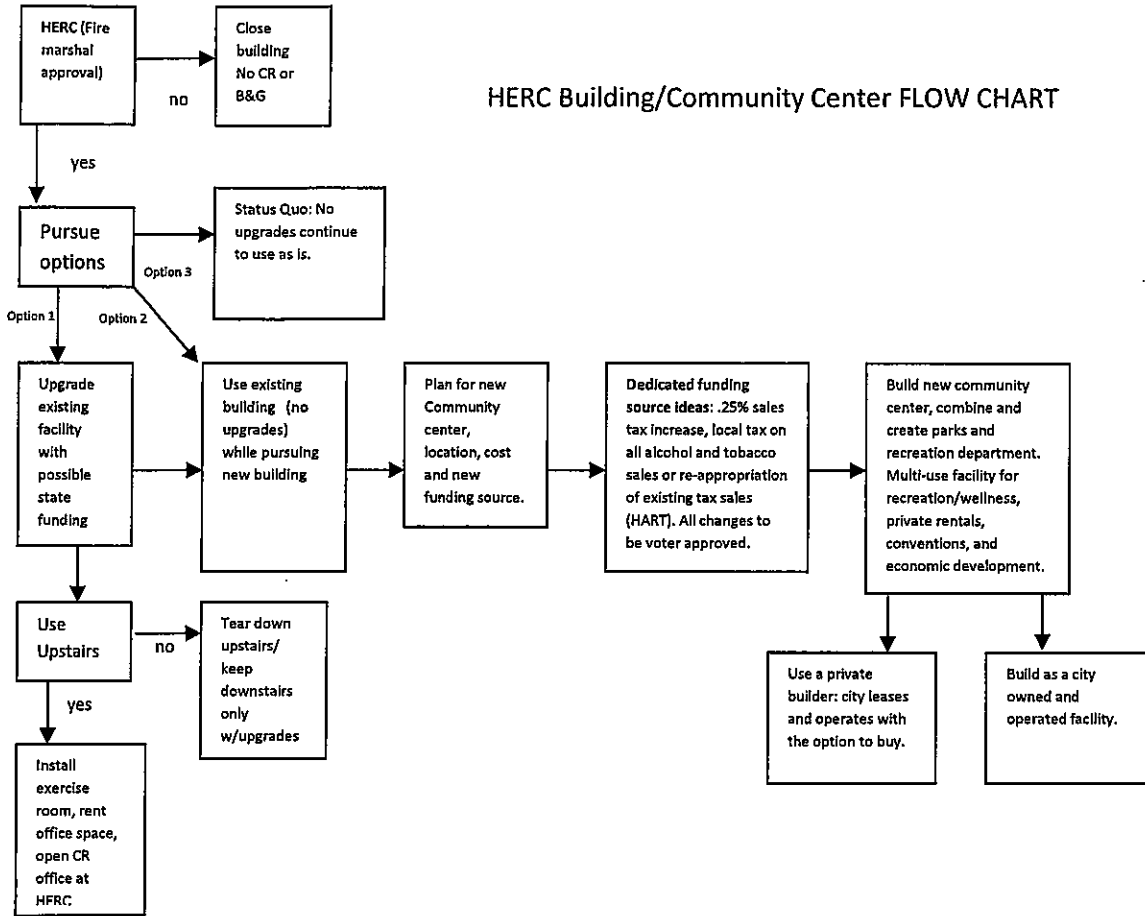
5208- sports equipment, \$15,000 for exercise equipment, one time allocation

5210- \$6,000 for school rent, referees, Mt.Films, background checks

5228- Recreation Guide printing

<u>Revenue</u>	<u>HERC</u>	<u>CR</u>	<u>Combined</u>
3101 Class Fees	\$20,000	\$30,000	\$50,000.00
3102 Rental Fees	\$50,000	0	\$56,000
3103 Sponsorships/Advertisements	\$5,000	\$2,000	\$7,000
3104 Grants	\$0	0	\$0
<b><u>Total Revenue</u></b>	<b>\$75,000</b>	<b>\$32,000</b>	<b>\$113,000</b>
<b>General Fund Transfer:</b>	<b>\$21,000</b>	<b>\$80,295</b>	<b>\$95,295</b>
<b>Total:</b>	<b>\$96,000</b>	<b>\$112,295</b>	<b>\$208,295</b>

## HERC Building/Community Center FLOW CHART



Tentative ideas/suggestions/options: community survey, special revenue source/tax, construction bonds, use existing preliminary planning and site for town center towards a multi-use community center

## **Interior Uses for the HERC Building**

### **Gym**

#### **Sports & Recreation**

- Basketball
- Dodgeball
- Floor hockey
- Volleyball
- Pickle ball
- Toddler play groups
- Flag football
- Tether ball
- Instructional classes
- Movie Nights

#### **Private rental**

- birthday parties
- weddings
- meetings

#### **Community Functions**

- book fair
- kids fair
- indoor carnivals/games
- dances
- informational meetings

### **Kitchen**

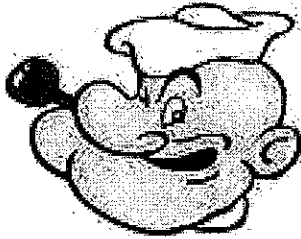
- Possible concession sales
- Prepare free food for use (through grants)

### **Down stairs room use**

- Arts & Crafts
- Computer room
- Office space
- Instructional classes

### **Upstairs use**

- Office space for non-profit renters
- Office space for Community Recreation
- Meeting room
- Exercise/dance room
- Weight room
- Art room
- Storage area/closet
- Private rentals



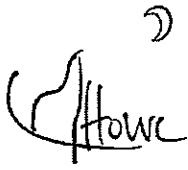
**POPEYE WRESTLING CLUB  
P.O. Box 1992  
HOMER, AK  
99603**

Dear City of Homer,

This is notice that the Popeye Wrestling Club would like to support the use of the HERC building for our program. We currently operate under the Community Recreation umbrella and would like to continue to do so. However, the past two years, access to the mat room and MPR at the Middle School has made it difficult to schedule practices that are not at 7:30 p.m. We generally have 50 members in the program from the ages of 5 – 18. We certainly would be willing to pay a monthly fee to use the HERC building. Thank you for your consideration and I look forward to communication regarding this matter.

Sincerely,

Chris Perk  
Popeye Wrestling  
Head Coach  
[cperk@kpbsd.k12.ak.us](mailto:cperk@kpbsd.k12.ak.us)  
299-6440



HoWL Inc.  
(907) 399-HOWL  
PO box 3514, Homer, AK 99603  
howlalaska@gmail.com  
www.howlalaska.org

Dear Mr. Wrede;

I am writing to express my interest in partnering with the City of Homer Community Recreation program in occupying the H.E.R.C. building as a full-time tenant.

I am the executive director of HoWL (Homer Wilderness Leaders), and my organization would benefit immensely from the use of that facility.

We have been in the market for a year-round facility to stage our trips, host activities, plan expeditions, and meet up for after-school activities, and partnering with the Homer Community Recreation in occupying this building would be ideal for us, as it is centrally located and it has all the amenities we desire (office space, classroom space, gym availability, field availability, bathrooms, and a large kitchen).

Furthermore, I am very enthusiastic about the possibility of several local non-profits and other groups occupying the building. I think that sort of community within one building will enhance all of our programs and create plenty of opportunities for local children and young adults to have activities year-round.

We are particularly interested in renting one of the classrooms or larger office spaces year-round, and having use of the fields and gym from time to time. This would enhance HoWL's programs immensely.

Thank you for considering this partnership!

Sincerely,

Libby B. Veasey  
Executive Director, HoWL Inc.





**Big Brothers Big Sisters**  
of Alaska

**Big Brothers Big Sisters – Homer Office**  
PO Box 1034, Homer AK 99603 907-235-8391 fax: 907-235-8392

June 20, 2012

City of Homer  
Attn: Walt Wrede  
491 E. Pioneer Ave  
Homer, AK 99603

To: Walt Wrede, City Manager

Big Brothers Big Sisters of Homer would be interested in renting space in the HERC building should the space become available for small office rental. We would be interested in a long term rental for 1-2 offices with access to bathrooms, a small conference room, and a small kitchen for staff use (ie, fridge, microwave).

Having office space in a location near the Boys and Girls Club is ideal for our program. It provides easy access to check in with our "Littles" (children) who are at the club. The additional educational and recreational groups that would be happening in the building could also increase awareness of our program and hopefully provide us with new "Big" volunteers. In addition, the close proximity to Mike Illg's office and information on Community Rec activities would help me promote this information to our matches and our parents/families as they look for things to do the community.

Thank you very much for your time. If you have any further questions, please contact me at your convenience.

Sincerely,

Jenny Martin  
Program Specialist  
Jenny.Martin@bbbsak.org



# INDEPENDENT LIVING CENTER



Promoting choice, independence and quality of life for persons and families living with disability.

P.O. Box 2474, Homer, Alaska 99603

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(FAX)

Central Peninsula  
(907) 262-6333  
(907) 260-4495  
(FAX)

Seward  
(907) 224-8711  
(907) 224-7793  
(FAX)

June 19, 2012

Dear Mr. Wrede:

On behalf of the Board of Directors, staff and consumers of the Independent Living Center (ILC), I would like to offer our support of the Homer Community Recreation Center concept. I have attended all meetings held to discuss this collaborative effort and am excited by the potential it holds.

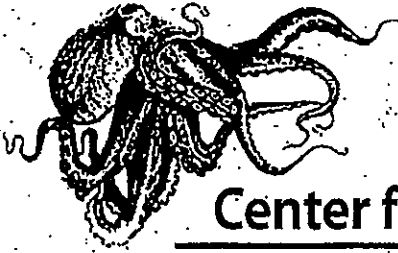
ILC has been operating in Homer for 21 years and has recently developed an inclusive recreation program; TRAILS-Total Recreation and Independent Living Services seven years ago. We are here to stay, in fact this fiscal year alone we have provided various services to over 335 people living in the Homer area.

Our interest in this facility is two-fold; 1) hourly rental for some of our skills building and recreation classes and 2) office space for six staff persons. Our funding is stable and our lease contribution could add secure and consistent funding for operations and overhead of the building.

I urge the City and Council to put this project in the top fifteen of their Capital Improvement Projects list. Please do not hesitate to contact me should you have questions or need my assistance.

Sincerely,

Joyanna Geisler  
Executive Director



## Center for Alaskan Coastal Studies



CELEBRATING  
30 YEARS  
of OUTDOOR EDUCATION

708 Smokey Bay Way, Homer, Alaska 99603 - 907/235-6667 - Fax 907/235-6668 - Email [Info@akcoastalstudies.org](mailto:Info@akcoastalstudies.org) - [www.akcoastalstudies.org](http://www.akcoastalstudies.org)

To: Walt Wrede  
City Manager, City of Homer

From: Elizabeth Trowbridge  
Executive Director, Center for Alaskan Coastal Studies

Greetings Mr. Wrede,

The Center for Alaskan Coastal Studies (CACS) would like to express its interest in possibly renting space in the HERC building, owned by the City of Homer, for use as a venue for educational programs conducted by our staff throughout the year. We are currently embarking on a three-year marine debris art project that will involve volunteers from the Homer community as well as students from the local schools in conducting beach cleanups in Kachemak Bay and using the marine debris collected to create large scale sculptures that will be displayed throughout Homer. One specific project is the creation on a giant Pacific Gyre model made out of plastic collected off the beach. This project will involve students building strands of plastic that will be joined to make a gyre that can be walked through and that will travel around the state for display. Other sculptures such as a giant sea jelly and anemone will be displayed locally.

CACS envisions use of one of the rooms at the HERC building to be perfect venue for offering community workshops and programs with local classes. On a long term basis, there may be other projects or programs that could be conducted from this building as it is a perfect central location.

CACS is willing to compensate the city of Homer in a variety of ways for the workshop space we are seeking. CACS can provide a limited amount of rent to help offset city expenses incurred through utilities and building upkeep. CACS would also be willing to donate one of the marine debris sculptures created during the project to the city of Homer, to display in a public location, helping to fulfill any of the city's public art needs.

Please feel free to contact me with any additional questions or concerns.

Sincerely,

Elizabeth Trowbridge

[beth@akcoastalstudies.org](mailto:beth@akcoastalstudies.org)

235-6756



printed on recycled paper



COWLES COUNCIL CHAMBERS  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**COMMITTEE OF THE WHOLE**  
**5:00 P.M. MONDAY**  
**APRIL 22, 2013**

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER BARBARA HOWARD  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER JAMES DOLMA  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER WALT WREDE  
CITY CLERK JO JOHNSON

### **COMMITTEE OF THE WHOLE AGENDA**

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

Councilmember Zak has requested telephonic participation.

Councilmember Roberts has requested excusal.

Attorney Klinkner will participate telephonically.

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

**3. Ordinance 13-15**, An Ordinance of the City of Homer, Alaska, Authorizing Harbor Revenue Bonds of the City to be Issued in Series to Finance Harbor Improvements; Creating a Lien Upon Net Revenue of the Harbor for the Payment of the Bonds; and Establishing Covenants of the City Related to the Bonds. City Manager.

**4. Ordinance 13-16**, An Ordinance of the City of Homer, Alaska, Authorizing the Issuance and Sale of a Series of Harbor Revenue Bonds by the City in the Principal Amount Not to Exceed \$4,200,000 for the Purpose of Financing the Design, Construction, and Acquisition of Harbor and Related Capital Improvements; Establishing the Terms of the Bonds; and Authorizing the Sale of the Bonds. City Manager.

**5. CONSENT AGENDA**

**6. REGULAR MEETING AGENDA**

**7. COMMENTS OF THE AUDIENCE**

**8. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Next Regular Meeting is Monday, May 13, 2013 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**COWLES COUNCIL CHAMBERS**  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**REGULAR MEETING**  
**6:00 P.M. MONDAY**  
**APRIL 22, 2013**

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER BARBARA HOWARD  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER JAMES DOLMA  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER WALT WREDE  
CITY CLERK JO JOHNSON

## **REGULAR MEETING AGENDA**

**Worksession 4:00 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.**

### **1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Councilmember Zak has requested telephonic participation.

Councilmember Roberts 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 Regular meeting minutes of April 8, 2013. City Clerk. Recommend adoption.

- B. **Memorandum 13-052**, from Mayor, Re: Reappointment of Marianne Aplin to the Public Arts Committee.
- C. **Ordinance 13-11**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code §21.03.040 to Add a Definition of Lodging; Amending Homer City Code §§21.28.020, 21.28.030, 21.28.040 and 21.28.070, Regarding the Marine Commercial Zoning District; Amending Homer City Code §§21.30.020, 21.30.030, 21.30.040 and 21.30.070, Regarding the Marine Industrial Zoning District; and Adopting Homer City Code §21.50.040, Site Development Standards - Level 3, to Implement the Homer Spit Comprehensive Plan. Planning. Recommended dates: Introduction April 22, 2013, Public Hearing and Second Reading May 13, 2013.

Memorandum 13-053 from City Planner as backup.

- D. **Ordinance 13-12**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Marine Industrial (MI) Zoning District to Conservation (CONS), Marine Commercial (MC) and Open Space Recreational (OSR), and Amending the Homer City Zoning Map to Rezone a Portion of the Open Space Recreational (OSR) Zoning District to Marine Industrial (MI), to Implement the 2010 Homer Spit Plan. Planning. Recommended dates: Introduction April 22, 2013, Public Hearing and Second Reading May 13, 2013.

Memorandum 13-054 from City Planner as backup.

- E. **Ordinance 13-13**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Online With Libraries (OWL) Grant from the Alaska State Library in the Amount of \$5,906.00 for the Purpose of Acquiring Two Early Literacy Stations and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended dates: Introduction April 22, 2013, Public Hearing and Second Reading May 13, 2013.
- F. **Ordinance 13-14**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Operating Budget by Appropriating \$54,416.00 from the Port and Harbor Reserve Fund for Repairs to Deep Water Dock, Pioneer Dock, Fish Dock, C Float, and the Outfall Line. City Manager/Port and Harbor Director. Recommended dates: Introduction April 22, 2013, Public Hearing and Second Reading May 13, 2013.

Memorandum 13-056 from Port and Harbor Director as backup.

- G. **Ordinance 13-15**, An Ordinance of the City of Homer, Alaska, Authorizing Harbor Revenue Bonds of the City to be Issued in Series to Finance Harbor Improvements; Creating a Lien Upon Net Revenue of the Harbor for the Payment of the Bonds; and Establishing Covenants of the City Related to the Bonds. City Manager. Recommended dates: Introduction April 22, 2013, Public Hearing and Second Reading May 13, 2013.



- H. **Ordinance 13-16**, An Ordinance of the City of Homer, Alaska, Authorizing the Issuance and Sale of a Series of Harbor Revenue Bonds by the City in the Principal Amount Not to Exceed \$4,200,000 for the Purpose of Financing the Design, Construction, and Acquisition of Harbor and Related Capital Improvements; Establishing the Terms of the Bonds; and Authorizing the Sale of the Bonds. City Manager. Recommended dates: Introduction April 22, 2013, Public Hearing and Second Reading May 13, 2013.
- I. **Resolution 13-037**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 13-030, Account Codes, for Light Vehicle Purchase Contract Award with Kendall Ford Wasilla for the Fire Department and Police Department. City Clerk. Recommend adoption.
- J. **Resolution 13-038**, A Resolution of the Homer City Council Establishing a Schedule for Approving a Rate Model and a New Water and Sewer Fee Schedule to Become Effective July 1, 2013. Mayor. Recommend adoption.
- K. **Resolution 13-039**, A Resolution of the Homer City Council Accepting the Final Report of the Water and Sewer Rate Task Force, Declaring the Work of the Task Force to be Complete, Thanking the Members for Their Service, and Dissolving the Task Force. Mayor. Recommend adoption.
- L. **Resolution 13-040**, A Resolution of the Homer City Council Directing the City Administration to Terminate All Survey, Design, and Cost Estimating Work on the Kachemak Drive Pathway. Mayor. Recommend adoption.
- M. **Resolution 13-041**, A Resolution of the Homer City Council Approving a Transfer of Responsibility Agreement (TORA) Between the City OF Homer and the Alaska Department of Transportation and Public Facilities (ADOT/PF) Regarding Federal Funding and Project Management Responsibilities for the Deep Water Dock Improvements Feasibility Study. City Manager. Recommend adoption.

## 6. VISITORS

- A. Linda Anderson, Lobbyist Report, 10 minutes.
- B. Best Beginnings Homer, Early Childhood Education Programs, 10 minutes.
- C. Baycrest Overlook Improvement Committee, Design Recommendations, 10 minutes.

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

- A. **Mayor's Proclamation**, Month of the Young Child, April 2013
- B. **Mayor's Proclamation**, Municipal Clerk's Week, May 5 - 11, 2013
- C. **Mayor's Proclamation**, Bike Month, May 2013
- D. **Mayor's Proclamation**, National Women's Health Week, May 12 – 18, 2013
- E. Borough Report
- F. 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
- G. Report from The Homer Foundation on City of Homer Grants Program 2013.
- H. Thank you from Kachemak Kids Early Learning Center for \$2,800 Grant through The Homer Foundation.
- I. Thank you from Homer Council on the Arts for \$4,900 Grant through The Homer Foundation.
- J. Memorandum 13-055 from Community & Economic Development Coordinator, Re: Green Dot Update.
- 8. PUBLIC HEARING(S)**
  - A. **Ordinance 13-06**, An Ordinance of the Homer City Council, Amending HCC 3.12.020 Permanent Fund Contributions, and HCC 3.12.060 Expenditures of Income, to Provide that Five Percent of Income from the Homer Permanent Fund Income Sub-Fund is Available to be Appropriated for Grants to The Homer Foundation for the Benefit of the

Community. City Clerk/Permanent Fund Committee. Introduction March 11, 2013, Referred to Committee, Public Hearing and Second Reading April 22, 2013.

- B. **Ordinance 13-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant. City Manager/Public Works Director. Introduction April 8, 2013, Public Hearing and Second Reading April 22, 2013.

**Ordinance 13-10(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant. City Manager/Public Works Director.

**9. ORDINANCE(S)**

**10. CITY MANAGER'S REPORT**

A. City Manager's Report

1. Memorandum 13-057 from City Manager, Re: Strategic Planning.

B. Bid Report

**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

G. Water and Sewer Rate Task Force

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

**15. RESOLUTIONS**

**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, May 13, 2013 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 13-09, a Regular Meeting of the Homer City Council was called to order on April 8, 2013 at 6:00 p.m. by Mayor Mary E. Wythe at Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: BURGESS, DOLMA, HOWARD, LEWIS,  
ROBERTS, ZAK

STAFF: CITY MANAGER WREDE  
CITY ATTORNEY KLINKNER  
DEPUTY CITY CLERK JACOBSEN  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER  
LIBRARY DIRECTOR DIXON

### **CALL TO ORDER, PLEDGE OF ALLEGIANCE**

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

### **AGENDA APPROVAL**

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

APPROVED with the following changes:

**CONSENT AGENDA** Substitute Resolution 13-036(S) Awarding the Contract for the Homer Library Vestibule Improvement in the amount of \$7,570 to the firm of Mark's Drywall, Inc. Of Anchor Point, Alaska and authorizing the City Manager to execute the appropriate documents. Memorandum 13-050 from Public Works Director as backup.

**CITY ATTORNEY'S REPORT**- Written report for March 2013.

Councilmember Burgess requested to move Resolution 13-035 from the consent agenda to Resolutions. Councilmember Roberts requested to move Resolution 13-036 and its substitute to Resolutions.

LEWIS/ROBERTS SO MOVED FOR ADOPTION OF THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There was no public comment.

## RECONSIDERATION

None

## 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 Regular meeting minutes of March 26, 2013. City Clerk. Recommend adoption.
- B. **Ordinance 13-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant. Recommended dates: Introduction April 8, 2013, Public Hearing and Second Reading April 22, 2013.

Memorandum 13-047 from Public Works Director as backup.

- C. **Resolution 13-032**, A Resolution of the Homer City Council Approving the City of Homer 2013 Land Allocation Plan. Mayor/City Council. Recommend Adoption.

Memorandum 13-048 from Planning Technician as backup.

- D. **Resolution 13-033**, A Resolution of the City Council of Homer, Alaska, Approving a 2005 Transportation Plan Central Business District East/West Corridor Alternative using Hazel Avenue as the Connection to Heath Street, and the Waddell Way Portion Of The Road Corridor be Connected to Heath Street at Bonanza Avenue. City Manager/Public Works Director. Recommend adoption.

Memorandum 13-049 from Public Works Director as backup.

- E. **Resolution 13-034**, A Resolution of the City Council of Homer, Alaska, Approving a Ten Year Lease with Two 2.5 Year Options for William Sullivan, DBA Kachemak Bay Seafoods on Lot 88-3, Homer Spit Subdivision No. 2. City Manager. Recommend adoption.

- F. **Resolution 13-035**, A Resolution of the Homer City Council Amending the City Council Operating Manual to include the Tablet Usage Policy. City Clerk/IT Manager. Moved to Resolutions

- G. **Resolution 13-036**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Library Vestibule Improvements to the Firm of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, in the Amount of \$ \_\_\_\_\_ and Authorizing

the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Moved to Resolutions.

BURGESS/LEWIS SO MOVED FOR ADOPTION OF THE RECOMMENDATIONS OF THE CONSENT AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

## **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

### **A. Mayor's Recognition – Earth Day 2013**

Mayor Wythe read the Earth Day Proclamation.

### **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

Dave Brann from the Parks and Recreation Advisory Commission said the Commission is very active. They have been following the ongoing issue of the HERC building and understand that it may go away, and if it does, they want to start the thought process on replacing it with a recreation building because the community needs it. The Commission is pleased with the spit trail plan changes and appreciates the response to concerns that were shared. He pointed out that volunteers make a difference in the beautification of parks. There was a small group that did some clearing of a ditch at Hornaday Park to help with the drainage. Ben Walters Park has been adopted by the local Rotary Club and has plans for barrels with flowers, to straighten posts along the road going in, and straighten kiosks if time allows. It's important to recognize the value of volunteers in making those kind of things happen. It looks like there will be a campground host at Hornaday Park Campground this summer which is exciting because it should be very helpful. The commission hopes the Pier 1 campground will be usable for the season, it looks like a lot of work, but when people get into it, things can happen quickly. They see it as a valuable asset. Mr. Brann said the Council will be receiving the Diamond Creek Recreational Master Plan Draft.

The commission has approved of the plan and it is working its way through other commissions on its way to council. With help from Planning, progress is being made to get 3 yellow bicycle signs for Kachemak Drive within the DOT right of way as an indicator to motorists that there is a potential for bicycles on the road. Planning staff is working on the permits, he has raised money to pay for the signs, post, anchors, and hardware, but DOT or city staff will have to set the posts because DOT won't allow it to be done by volunteers. The Kachemak Drive Path Committee has changed their focus to concentrate on the Mud Bay portion for a multi user trail from the end of the spit trail to the access road from the airport.

5. Port and Harbor Advisory Commission

**PUBLIC HEARING(S)**

- A. **Ordinance 13-08**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating Up to \$110,000 From the Sewer Reserve Fund for the Repair of Flood Damage at the Wastewater Treatment Plant and Implementing Mitigation Measures. City Manager/Public Works Director. Recommended dates: Introduction March 26, 2013, Public Hearing and Second Reading April 8, 2013.

Memorandum 13-039 from Public Works Director as backup.

There were no public comments.

Mayor Wythe called for the adoption of Ordinance 13-08 by reading of title only for second and final reading.

**BURGESS/LEWIS SO MOVED**

Councilmember Burgess commented that next time we review our insurance rates, it would be good to revisit this and know what our options are. With climate change and different issues the idea of extreme flood events at odd times of the year is a possibility to consider.

Councilmember Zak noted that a portion of this money is for mitigation measures also.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

- B. **Ordinance 13-09**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds and Establishing a Project Budget for Administration and Direct Services Provided in Support of the Homer Natural Gas Distribution System Special Assessment District. City Manager. Recommended dates: Introduction March 26, 2013, Public Hearing and Second Reading April 8, 2013.

Mayor Wythe stated her established conflict of interest regarding this matter and passed the gavel to Mayor Pro Tempore Roberts.



There were no public comments.

Mayor Pro Tempore Roberts called for the adoption of Ordinance 13-09 by reading of title only for second and final reading.

LEWIS/BURGESS SO MOVED.

Councilmember Burgess noted for the listeners that these funds are included in the amount borrowed from the Borough and are specifically dedicated for the administration oversight for the city participating in this development process to try to make it as seamless as possible for the citizens and services we need to provide as part of the build out. These are not addition funds we are trying to raise or borrow.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

#### **A. City Manager's Report**

City Manager Wrede gave a verbal trip report from his meetings in Anchorage and Juneau, and noted the laydown items from the lobbyist that were received just before tonight's meeting. Regarding the PERS information provided, there is a lot of information and it is still a moving target with 8 days left in the legislature, so he is unsure how to advise council. Our lobbyists have been working hard on this with other municipalities, AML, and legislative staff. They have come upon what seems to be a good deal for municipalities whereby if they agree to pay a little more than the 22% for PERS, then we could, in exchange, get out from under the cost of termination studies and some costs of long terms PERS liability when a class of employee is eliminated. At this point City Manager Wrede suggests not taking a position, but with Council's permission he and the Mayor could monitor the progress and at a minimum say that we do or don't object, depending on how it affects the City.

City Manager Wrede reported that he met with DOT in Anchorage on the MOU for the \$2 million earmark and the deep water dock. He thinks they are getting close to wrapping it up to get to work on the deep water dock expansion feasibility study, and thinks it is close enough to expect a resolution on the next agenda. He met with City Attorney Klinkner to discuss court cases, which are mentioned in the City Attorney's report. City Manager Wrede reported that in Juneau, besides lobbying for capital projects, he and the Mayor visited with the Coast Guard Admiral. They talked about Coast Guard housing needs, sequestration, shrinking budgets, and new talk about consolidating vessels in Kodiak. The Admiral offered feedback about improvements that would be beneficial for Homer to consider, and that they are talking about where to locate a new vessel coming in to replace an old one. It is something to keep an eye on, and also to look at what we can do to make Homer more attractive for the Coast Guard to be here. It would be a big impact if they left. City Manager Wrede said they thanked the Admiral

for the Coast Guard being here and expressed how much we appreciate the new marine safety detachment and how beneficial they have already been to the economy and to safety as well. He said he visited the bond bank and hand delivered the application for the \$4.2 million for the harbor projects. The preliminary financial report shows that the city is in really good shape fiscally, and easily capable of handling bond payments. They were impressed by the actions already taken to prepare for this. He and the Mayor talked to legislators about legislation the council is on record as supporting, and timing was good. It is a really lean capital budget with the senate cutting \$100 million from the Governors capital budget, fortunately the \$4.2 million for the harbor match and appropriation of traffic signal money to Skyline Fire Station and Harbormaster building were still in there. The house will have the budget now and are under pressure to cut it even further with the assumption that the Governor's oil tax bill will pass.

Mayor Wythe added that she will have some recommendations in her report at the next meeting in an effort to establish a more linear way of looking at and thinking about long range planning. On both the state and federal level it will become much more incumbent that the city is doing all the front work so they put forth shovel ready projects to be considered. The city's preparedness for the Harbor projects was very helpful in keeping those monies in the budget. She commented that her takeaway from talking with Coast Guard was pre-planning is very beneficial. They talked about the dock expansion and the new harbor, and part of the purpose of the new harbor would be to provide them with a better and safe harbor. He indicated the city would have the ability to put forth a proposal of what the city is looking at and a plan, but in order for it to be feasible for the city, we would need some long term commitments. Potentially through that process the city could garner a long term commitment from the Coast Guard. Mayor Wythe added that after this trip she has a better understanding of why former Mayor Hornaday always returned from these trips so doom and gloom, because talking to them is like it is a black hole. She recognized it is going to get difficult, but feels like they have to sharpen their pencils and look at how to make it move forward. She hopes we can keep it shiny here whether it is shiny there or not.

City Manager Wrede added they had a good meeting with Commissioner of DOT and really emphasized the deplorable condition of Pioneer Avenue and Lake Street. The Commissioner wasn't optimistic about the passing of a bill to dedicated transportation funds that would give more money and flexibility to DOT. After passing the resolution inviting the Governor to hold a picnic in Homer, Mayor Wythe invited Commissioners Bell and Kemp to Homer if we are awarded the picnic. If they come we can show them Pioneer Avenue first hand.

**B. Employee Anniversaries**

Mayor Wythe recognized there are 9 employees celebrating anniversaries this month for a total of 54 years of contribution to the City of Homer, and we appreciate them greatly.

**C. National Registry of Emergency Medical Technicians Certificate of Recognition of Fire Chief Painter**

**D. Alaska Corps of Coastal Observers pamphlet**

**CITY ATTORNEY REPORT**

City Attorney Klinkner reported regarding the Castner case, he filed a motion for summary judgment to dismiss the claims, Mr. Castner responded with alacrity and he suspects the case will be fully briefed and submitted to the court for, what he hopes to be, a prompt decision. The Auction Block case is kind of adrift now; the administrative law judge at the FMC has given herself an additional four months to do an initial and final decision on the case. The other issue with the Auction Block Company and its affiliates is their lease with the city. The lease is encumbered by a deed of trust for a secured loan to finance the improvement of the property with the processing facility, and the deed of trust is in default, with a foreclosure sale scheduled for some time in early May. Attorney Wells has been in communication with Wells Fargo's lawyer in charge of the foreclosure, and also with Mr. Hogan's council who is now a bankruptcy specialist. Attorney Klinkner thinks that Mr. Hogan will either work out an arrangement with the bank before the foreclosure sale, or he is in chapter 11 or 7. Lastly he noted the case pending before the Alaska Supreme Court brought by Frank Griswold complaining about the handling of a public records request back in 2008 and renewed in 2010, was submitted for decision. His office received a call from the court clerk requesting some pieces of the record that were sidetracked on their way to the Supreme Court, so he thinks there may be a decision on this matter soon. He will keep them posted.

#### **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
- G. Water and Sewer Rate Task Force

Mayor Wythe commented the Task Force presented their work to Council during the worksession today. It is not up to Council to consider for the new rate schedule.

#### **PENDING BUSINESS**

#### **NEW BUSINESS**

#### **RESOLUTIONS**

- A. **Resolution 13-036**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Library Vestibule Improvements to the Firm of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, in the Amount of \$\_\_\_\_\_ and Authorizing

the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Moved to Resolutions to consider Substitute Resolution

**Resolution 13-036(S)**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Homer Library Vestibule Improvement Project in the Amount of \$5750 to the Firm of Mark's Drywall, Inc. of Anchor Point, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Mayor Wythe called for a motion for the adoption of Resolution 13-036 by reading of title only.

BURGESS/LEWIS SO MOVED.

Mayor Wythe called for a motion for the substitute Resolution 13-036(S).

BURGESS/LEWIS SO MOVED.

There was no discussion.

VOTE (Substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

Motion carried.

**B. Resolution 13-035**, A Resolution of the Homer City Council Amending the City Council Operating Manual to include the Tablet Usage Policy. City Clerk/IT Manager.

Mayor Wythe called for a motion for the adoption of Resolution 13-035 by reading of title only.

ROBERTS/LEWIS SO MOVED.

ROBERTS/ZAK MOVED TO AMEND RESOLUTION LINE 13 TO ADD WHEREAS THE CITY REQUIRES A SYSTEM TO PRESERVE THE ELECTRONIC COMMUNICATIONS OF ELECTED CITY OFFICIALS THAT ARE PUBLIC RECORDS; AND.

Councilmember Roberts commented that this whereas clause documents some of the reason we are passing the resolution and putting this policy in place for council.

VOTE: (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Burgess said he isn't comfortable with the liability imposed by the Tablet Usage Policy as it is currently written because it places undue personal and financial liability on the users.

BURGESS/ROBERTS MOVED TO AMEND THE TABLET USAGE POLICY AS FOLLOWS:

#### SECTION 4. LIABILITY

- a. RECIPIENTS ARE RESPONSIBLE FOR ALL MATERIAL SENT BY AND/OR STORED ON THE TABLET ISSUED TO THEM **WHICH THEY WILL KNOWINGLY AND INTENTIONALLY SEND OR STORE/INSTALL.** RECIPIENTS ACCEPT RESPONSIBILITY FOR KEEPING THEIR TABLET FREE FROM ALL INAPPROPRIATE OR DANGEROUS FILES.
- b. THE CITY OF HOMER IS NOT LIABLE FOR ANY INAPPROPRIATE MATERIAL SENT BY AND/OR STORED ON TABLETS ISSUED UNDER THIS POLICY, **OUTSIDE OF THE SCOPE OF USE EXPECTED BY A CITY OFFICIAL.**

#### SECTION 5. EMAIL USAGE

- a. THE RECIPIENT OF A DEVICE UNDER THIS POLICY AGREES TO CONDUCT ALL EMAIL COMMUNICATIONS **WHICH ARE STORED ON THIS DEVICE** THROUGH THEIR ASSIGNED CITY EMAIL ACCOUNT. ALL EMAILS SENT THROUGH THE CITY'S EMAIL SYSTEM ARE ARCHIVED AND RETAINED BY THE CITY IN A MANNER CONSISTENT WITH THE CITY'S RECORD RETENTION POLICY.
- b. SYNCING PERSONAL EMAIL ACCOUNTS IS **TO** THE ISSUED DEVICE, OTHER THAN THE RECIPIENT'S ASSIGNED CITY EMAIL ACCOUNT, IS PROHIBITED.

#### SECTION 6. ACCEPTABLE USE

- B. ~~PERSONAL USE OF THE TABLET IS NOT PERMISSIBLE. THE TABLET IS NOT TO BE USED FOR PERSONAL PROFIT OR NON-PROFIT PURPOSES SUCH AS ADVERTISING, RENTALS, SELLING OR BUYING THINGS, SOLICITING FOR CHARITY, OR OTHER SUCH USES THAT ARE NOT DIRECTLY IN SUPPORT OF THE RECIPIENT'S ROLE AS AN ELECTED OFFICIAL OF THE CITY OF HOMER.~~ **THE DEVICE MAY ONLY BE USED FOR LIMITED PERSONAL USE, THAT DOES NOT INTERFERE WITH THE ABILITY OF THE DEVICE TO BE USED FOR OFFICIAL INTENDED PURPOSES.**

#### SECTION 8. INSTALLATION OF APPLICATIONS

- D. APPLICATIONS FOR PERSONAL USE THAT DO NOT INTERFERE WITH CITY USE MAY BE ALLOWED BY THE IT MANAGER ON A CASE BY CASE BASIS.**

#### SECTION 10. LOSS AND DAMAGE

- a. RECIPIENTS OF TABLETS UNDER THIS POLICY ARE PERSONALLY RESPONSIBLE FOR THE SECURITY AND SAFETY OF THEIR ASSIGNED TABLETS AND WILL BE HELD FULLY LIABLE IF STOLEN, LOST, DESTROYED OR NOT RETURNED. RECIPIENTS WILL BE REQUIRED TO REIMBURSE THE

~~CITY FOR THE FULL REPLACEMENT COST OF THE TABLET AND/OR ACCESSORIES IF THEY ARE STOLEN, LOST, DESTROYED OR NOT RETURNED. THE REPLACEMENT COST WILL BE THE SAME AS THE ORIGINAL PURCHASE PRICE OF THE TABLET AND/OR ACCESSORIES.~~  
**ENCOURAGED TO KEEP THE DEVICE SAFE AND IN GOOD WORKING ORDER. THE CITY SHALL MAINTAIN INSURANCE FOR LOSS, THEFT, AND DAMAGE TO THE DEVICE. IF A USER DEMONSTRATES EXTREME NEGLIGENCE WITH A DEVICE, OR LOSES A REPLACEMENT DEVICE WITHIN 18 MONTHS OF BEING ISSUED A REPLACEMENT, THEN HE OR SHE SHALL BE FINANCIALLY RESPONSIBLE FOR THE COST OF THE REPLACEMENT.**

Councilmember Burgess commented that his only intention is not to incur personal or financial liability for a device that is worth more than a year of a councilmember salary.

City Attorney Klinkner noted that he does not see any problem with the amendments proposed. Another reading is not required as it is not a public hearing item, but an administrative item of the Council dealing with its own operating manual.

ZAK/BURGESS MOVED TO AMEND THE AMENDMENT ON SECTION 10 TO REMOVE THE SENTENCE THE CITY SHALL MAINTAIN INSURANCE FOR LOSS, THEFT, AND DAMAGE TO THE DEVICE.

There was discussion that with this second amendment the city isn't required to get insurance, but is taking responsibility of the tablets and can determine if purchasing insurance for them is feasible. City Manager Wrede commented that that is acceptable.

VOTE (Secondary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the primary amendment.

VOTE (Primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

Motion carried.

#### **COMMENTS OF THE AUDIENCE**

Dave Brann, commented as a city resident not as a commissioner. He wanted to remind the Council how busy and profitable the spring was as far as recreation goes. Outside of regular school event tournaments there was the Fat Tire Bike Festival, Broomball International Tournament, the Homer Marathon which brought in people from as far away as Michigan, the

Winter King Tournament which also brings people from out of state, the Homer Epic, and Sea to Ski. Some reports he got were that the rooms in town were maxed out on some of those weekends. There is a lot of impact that recreation plays. In the papers there was a mention of the values of non-profits and as a member he likes the fact that the small non-profits in town contributed, in 2011, \$20 million to the town. He supports the Council's working with the Homer Foundation and contributing to non-profits in the town. Lastly Mr. Brann commented that the work on the water trail continues, on April 24 they are having their first educational forums at Islands and Ocean. Experts will be speaking on whales, dolphins, and porpoises, and also on sea otters and wildlife viewing etiquette and techniques in general.

Bill Williams asked for clarification whether resolution 13-033 had been adopted. Mayor Wythe confirmed that it was adopted with the adoption of the consent agenda.

Larry Slone, city resident, thanked Councilmember Burgess for his clarification about the natural gas administration costs. He encouraged the Council to look favorably on the proposed water and sewer rate schedule that was shown at the worksession. There has been a lot of effort put in to it by task force. The rate model is based on the principle of equity which comes down to the cost causer is the cost payer. The task force was able to identify significant cost differences among some groups of users. When those are factored in there will be more shifting of costs again, but he reminded them the ultimate result will be to balance accounts. He encouraged them not to be cavalier about giving any special exceptions to socialize some of the costs for user groups. It will dilute the effectiveness once again, go back to square one, and deal with the competitiveness and divisiveness amongst various users.

#### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner commented that at the next meeting they will be presented, for introduction, an ordinance that establishes the structure and authorizes the issuance of the first series of harbor revenue bonds for funding this year's projects. The structure will be such that the city can easily issue additional series of bonds in future years if they find the need and the revenues of the harbor will support the borrowing. He will not be present at the meeting but will be available by phone to discuss the details.

#### **COMMENTS OF THE CITY CLERK**

None

#### **COMMENTS OF THE CITY MANAGER**

None

#### **COMMENTS OF THE MAYOR**

Mayor Wythe thanked Deputy City Clerk Jacobsen for coming in and working with them. It has been really good, and hopefully good for her as a learning experience while the City Clerk has been enjoying time off. As we move forward, at the next meeting she will have some recommendations as a result of her trip to Juneau. They will result in some work for council as

she feels like there are some strategic planning initiatives they need to take, and not defer to committees and commissions. Also the Council will begin to undertake the review of the water and sewer rates with the objective of having the rates available to the consumers in advance of the July implementation date. She further noted that the Ocean Drive assessment and property tax mil rate as well.

## **COMMENTS OF THE CITY COUNCIL**

Councilmember Burgess thanked Mr. Slone for his comments and clarity on the water and sewer task force. He thinks it is important to keep in mind as complex as the rate model seems, a commodity based model encourages the most apolitical discussion about this topic. It eliminates the need to have a group come in claiming they are being punished every two years. It comes down to a gallon of water is a gallon of water, a hook up is a hook up, and it costs what it costs. If we can keep with that sentiment and feeling we won't undermine the work that the task force has done. In his mind there are three main components to address the larger issues of water and sewer. One is the rate schedule we choose, then infill, and lastly is thinking about an effective long term strategy for expanding the system in a way that is cost effective and equitable.

Councilmember Lewis recognized to 2 hockey players from Homer High who participated in national tournaments. Tommy Bowe, who plays for the Ice Hawks out of Kenai was in Detroit, and Hannah Baird who plays for an Anchorage U19 girls team at the national tournament in San Jose. Unfortunately they aren't coming home with the big trophies but they did a good job.

Councilmember Zak thanked the Mayor, City Manager, and Lobbyist for the reports. Maybe in the future we won't see as many opportunities for the capital improvement plan, but it's good to see there are some senate bills that could affect us positively here on the peninsula. It is good to see young people in the audience, and it's good to have the community feedback. It's good to see positive outcomes for future economic development, Dave Brann brought up quite a few opportunities. There is a lot going on. It's good to hear the Mayor coming back from Juneau talking optimistically and proactively about our community. Good job Councilmembers for the progress we have made. If you are concerned about water and sewer rates, he saw a breakdown at one of the breaks and thinks it will be easy for users to understand when they see their bill.

Councilmember Roberts acknowledged the certificate in the packet for Fire Chief Painter who was recognized for 30 years of service as an EMT. We are very fortunate to have him and his expertise on our fire department; she was impressed to see that. She also noted the the Alaska Corps Coastal Observers who are looking for people who live on or around the water in Alaska. There is more information at [akcoastalcorps.org](http://akcoastalcorps.org) for people how might be interested.

Councilmembers Howard and Dolma had no further comments.

## **ADJOURNMENT**

There being no further business to come before the Council Mayor Wythe adjourned the meeting at 7:07 p.m. The next Regular Meeting is Monday, April 22, 2013 at 6:00 pm and Committee of the whole at 5:00 pm. All meeting scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



*Office of the Mayor  
Mary E. Wythe  
Homer City Hall*

*491 E. Pioneer Avenue  
Homer, Alaska 99603-7624*



*Phone 907-235-8121 x2229  
Fax 907-235-3143*

**MEMORANDUM 13-052**

TO: HOMER CITY COUNCIL  
FROM: MARY E. WYTHER, MAYOR  
DATE: APRIL 15, 2013  
SUBJECT: REAPPOINTMENT OF MARIANNE APLIN TO THE PUBLIC ARTS COMMITTEE.

Marianne Aplin is reappointed to the Public Arts Committee. Her appointment will expire April 28, 2015.

RECOMMENDATION:

Confirm the reappointment of Marianne Aplin to the Public Arts Committee.

Fiscal Note: N/A

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**Jo Johnson**

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**From:** Marianne Aplin <marianne.aplin@gmail.com>  
**Sent:** Friday, March 22, 2013 3:22 PM  
**To:** Department Clerk  
**Subject:** request to be reappointed to the City's Public Arts Committee

Dear Mayor Wythe,

I respectfully request to be reappointed to the City's Public Arts Committee as my current term will expire in April. I'm currently serving on the Public Arts Committee's Baycrest Subcommittee, and we expect to have an interpretive/art plan to present to the council next month. I've also been selected to represent the Public Arts Committee on the Spit Trail Art RFP committee. It's been gratifying to see these two projects move along and to see the completion of the Airport project.

I've greatly appreciated the chance to serve my community and hope to do so for another term. Thank you for your consideration.

Sincerely,  
Marianne Aplin

OK  
MWA



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-11**

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code §21.03.040 to Add a Definition of Lodging; Amending Homer City Code §§21.28.020, 21.28.030, 21.28.040 and 21.28.070, Regarding the Marine Commercial Zoning District; Amending Homer City Code §§21.30.020, 21.30.030, 21.30.040 and 21.30.070, Regarding the Marine Industrial Zoning District; and Adopting Homer City Code §21.50.040, Site Development Standards - Level 3, to Implement the Homer Spit Comprehensive Plan.

Sponsor: Planning

1. City Council Regular Meeting April 22, 2013 Introduction
  - a. Memorandum 13-053 from City Planner as backup





1 CITY OF HOMER  
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 13-11

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HOMER CITY CODE §21.03.040 TO ADD A DEFINITION OF  
8 LODGING; AMENDING HOMER CITY CODE §§21.28.020, 21.28.030,  
9 21.28.040 AND 21.28.070, REGARDING THE MARINE COMMERCIAL  
10 ZONING DISTRICT; AMENDING HOMER CITY CODE §§21.30.020,  
11 21.30.030, 21.30.040 AND 21.30.070, REGARDING THE MARINE  
12 INDUSTRIAL ZONING DISTRICT; AND ADOPTING HOMER CITY CODE  
13 §21.50.040, SITE DEVELOPMENT STANDARDS - LEVEL 3, TO  
14 IMPLEMENT THE HOMER SPIT COMPREHENSIVE PLAN.  
15

16 THE CITY OF HOMER ORDAINS:

17  
18 Section 1. HCC §21.03.040, Definitions, is amended by adding a definition of “lodging”  
19 to read as follows:  
20

21 “Lodging” means any building or portion of a building that does not contain a dwelling  
22 unit and that contains no more than five guest rooms that are used, rented or hired out to be  
23 occupied for sleeping purposes by guests.  
24

25 Section 2. HCC §21.28.020, Permitted uses and structures, is amended to read as  
26 follows:  
27

28 21.28.020 Permitted uses and structures. The following uses are permitted outright in the  
29 Marine Commercial District, except when such use requires a conditional use permit by reason  
30 of size, traffic volumes, or other reasons set forth in this chapter:

31 a. Offices for tourism related charter and tour businesses, such as fishing,  
32 flightseeing, day excursions and boat charters and tours ~~Boat charter offices;~~

33 b. Marine equipment sales, rentals, service, repair and storage ~~and parts sales and~~  
34 ~~services;~~

35 c. Retail stores limited to the sale of seafood products, sporting goods, curios, and  
36 arts and crafts;

37 d. Business offices for water-dependent and water related activities such as fish  
38 brokers, off-shore oil and gas service companies, and stevedores;

39 e. Customary accessory uses that are clearly subordinate to the main use of the lot or  
40 building such as piers or wharves, provided that separate permits shall not be issued for the  
41 construction of an accessory structure prior to that of the main structure;

42 f. Mobile food services;

43 g. Itinerant merchants, provided all activities shall be limited to uses permitted  
44 outright under this zoning district;

45 h. Recreational vehicle parks, provided they shall conform to the standards in HCC  
46 Chapter 21.54;

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

- 47 i. **Restaurants;**  
48 **j. Cold-storage facilities;**  
49 **k. Campgrounds;**  
50 **l. Manufacturing, processing, cooking, and packing of seafood products;**  
51 **m. Parks;**  
52 **n. Boat launching or moorage facilities, marinas;**  
53 **o. Caretaker, business owner or employee housing as an accessory use to a**  
54 **primary use, and limited to no more than 50% of the floor area of a building and for use by**  
55 **an occupant for more than 30 consecutive days;**  
56 **p. Lodging as an accessory use, limited to no more than 50% of the floor area of**  
57 **a building;**  
58 **q.** As an accessory use, one small wind energy system per lot.

60 Section 3. HCC §21.28.030, Conditional uses and structures, is amended to read as  
61 follows:

62  
63 21.28.030 Conditional uses and structures. The following uses may be permitted in the  
64 Marine Commercial District when authorized by conditional use permit issued in accordance  
65 with HCC Chapter 21.71:

- 66 a. **Drinking** ~~Restaurants and drinking establishments;~~  
67 ~~b. Cold storage facilities;~~  
68 **be.** Public utility facilities and structures;  
69 ~~d. Dredge and fill when required for construction or maintenance of a structure~~  
70 ~~devoted to one or more uses that are permitted or conditionally permitted in this district;~~  
71 ~~e. Wholesale outlets for marine products;~~  
72 ~~f. Pipelines and railroads;~~  
73 ~~g. Heliports;~~  
74 ~~ch.~~ Hotels and motels;  
75 **d. Lodging;**  
76 **ei.** More than one building containing a permitted principal use on a lot;  
77 **fj.** Planned unit developments, limited to water-dependent and water-related uses,  
78 with no dwelling units except as permitted by HCC §21.28.020(o);  
79 ~~gk.~~ Indoor recreational facilities;  
80 ~~hl.~~ Outdoor recreational facilities;  
81 **i.** **The location of a building within a setback area required by HCC**  
82 **§21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC**  
83 **§21.71.030, the building must meet the following standards:**

84 **1. Not have a greater negative affect on the value of the adjoining**  
85 **property than a building located outside the setback area; and**

86 **2. Have a design that is compatible with that of the structures on the**  
87 **adjoining property.**

- 88 ~~m. Campgrounds;~~  
89 ~~n. Manufacturing, processing, cooking, and packing of seafood products.~~  
90 ~~o. Other similar uses, if approved after a public hearing by the Planning~~  
91 ~~Commission, including but not limited to those uses authorized in the Marine Industrial district~~

92 ~~under HCC §§ 21.30.020 and 21.30.030, provided the commission finds the use meets the~~  
93 ~~following standards and requirements:~~

94 ~~1. The proposed use is compatible with the purpose of the Marine~~  
95 ~~Commercial District,~~

96 ~~2. The proposed use is compatible with the land use development plan for the~~  
97 ~~Homer Spit and the Comprehensive Plan,~~

98 ~~3. Public facilities and services are adequate to serve the proposed use, and~~

99 ~~4. If City-owned land, the Port and Harbor Commission, after a public~~  
100 ~~hearing, has made a written recommendation to the Planning Commission concerning the~~  
101 ~~proposed use, including specifically whether conditions (1) through (3) of this subsection~~  
102 ~~are or may, with appropriate conditions, be met by the proposed use.~~

103  
104 Section 4. HCC §21.28.040, Dimensional requirements, is amended to read as follows:

105  
106 21.28.040 Dimensional requirements. The following dimensional requirements shall  
107 apply to all structures and uses in the marine commercial district:

108 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before  
109 December 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before  
110 December 12, 2006.

111 b. **Setbacks. No building may be located in a required setback area without an**  
112 **approved conditional use permit.**

113 **1.** Buildings shall be set back 20 feet from all dedicated rights-of-way ~~and~~  
114 ~~five feet from all other lot boundary lines.~~ Alleys are not subject to a 20 foot setback  
115 requirement. **The setback requirements from any lot line abutting an alley will be**  
116 **determined by the dimensional requirements of subparagraph (2) below.**

117 **2.** **Buildings shall be set back five feet from all other lot boundary lot**  
118 **lines.**

119 c. The maximum building height is 35 feet.

120 d. No lot shall contain more than 8,000 square feet of building area (all buildings  
121 combined), nor shall any lot contain building area in excess of ~~70~~ **30**-percent of the lot area  
122 without an approved conditional use permit.

123 e. Building Area and Dimensions - Retail and Wholesale.

124 1. The **total** floor area of retail and wholesale business uses within a single  
125 building shall not exceed 25,000 square feet.

126 2. In no event may a conditional use permit, Planned Unit Development, or  
127 variance be granted that would allow a building to exceed the limits of subparagraph  
128 (e)(1) and no nonconforming use or structure may be expanded in any manner that would  
129 increase its nonconformance with the limits of subparagraph (e)(1).

130  
131 Section 5. HCC §21.28.070, Site development requirements, is amended to read as  
132 follows:

133  
134 21.27.070 Site development requirements. All development on lands in this district shall  
135 conform to the level ~~three two~~ site development standards set forth in HCC ~~§21.50.040 and the~~  
136 **following requirements: 21.50.030.**

137 **a. Development shall not impair public use of adjacent publicly-owned**  
138 **tidelands.**

139 **b. Buildings and roadways shall be located to minimize alteration to the natural**  
140 **terrain.**

141 **c. Grading and filling shall not alter the storm berm except as necessary to**  
142 **correct unsafe conditions.**

143 **d. Point source discharges to a waterway shall conform to the applicable**  
144 **regulations of the Alaska Department of Environmental Conservation.**

145  
146 Section 6. HCC §21.30.020 Permitted uses and structures, is amended to read as follows:  
147

148 21.30.020 Permitted uses and structures. The following uses are permitted outright in the  
149 Marine Industrial District, except when such use requires a conditional use permit by reason of  
150 size, traffic volumes, or other reasons set forth in this chapter:

- 151 a. Port and harbor facilities;
- 152 b. Manufacturing, processing and packing of sea products;
- 153 c. Cold-storage;
- 154 d. Dry docks;
- 155 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
- 156 f. Marine equipment sales, rentals, service, repair and storage;
- 157 g. Boat launching or moorage facilities, marinas, boat charter services;
- 158 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine  
159 vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based  
160 transportation;

161 ~~i. Other similar uses, if approved after a public hearing by the Commission,~~  
162 ~~including but not limited to those uses authorized in the Marine Commercial District under HCC~~  
163 ~~§§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following~~  
164 ~~standards and requirements:~~

165 ~~1. The proposed use is compatible with the purpose of Marine Industrial~~  
166 ~~District or provides a necessary service to water-dependent industry;~~

167 ~~2. The proposed use is compatible with land use development plans for the~~  
168 ~~Homer Spit and the comprehensive plan;~~

169 ~~3. Public facilities and services are adequate to serve the proposed use, and~~

170 ~~4. The Port and Harbor Commission, after a public hearing, has made a~~  
171 ~~written recommendation to the Commission concerning the proposed use, including~~  
172 ~~specifically whether conditions (1) through (3) of this subsection are or may, with~~  
173 ~~appropriate conditions, be met by the proposed use;~~

174 ~~ij. Mobile food services;~~

175 ~~jk. Itinerant merchants, provided all activities shall be limited to uses permitted~~  
176 ~~outright under this zoning district;~~

177 ~~kl. Recreational vehicle parks, provided they shall conform to the standards in HCC~~  
178 ~~§ 21.54.~~

179 **l. Caretaker, business owner or employee housing as an accessory use to a**  
180 **primary use, and limited to no more than 50% of the floor area of a building and for use by**  
181 **an occupant for more than 30 consecutive days;**

- 182 **m. More than one building containing a permitted principal use on a lot;**  
183 **n. Restaurant as an accessory use;**  
184 **o. Parks;**  
185 **pm.** As an accessory use, one small wind energy system per lot.

186  
187 Section 7. HCC §21.30.030 Conditional uses and structures, is amended to read as  
188 follows:

189  
190 21.30.030 Conditional uses and structures. The following uses may be permitted in the  
191 Marine Industrial District when authorized by conditional use permit issued in accordance with  
192 HCC Chapter 21.71:

- 193 a. Planned unit development, limited to water-dependent or water-related uses and  
194 excluding all dwellings;  
195 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;  
196 ~~e. Restaurants and drinking establishments;~~  
197 **cd.** Extractive enterprises related to other uses permitted in the district;  
198 **de.** Campgrounds;  
199 **ef.** Bulk petroleum storage;  
200 ~~g. Caretaker's residence as an accessory to a permitted or conditionally permitted~~  
201 ~~use;~~  
202 ~~h. Heliports;~~  
203 ~~i. Pipelines and railroads;~~  
204 ~~j. More than one building containing a permitted principal use on a lot.~~  
205 ~~k. Permitted uses that exceed 100 vehicles during peak hour or more than 500~~  
206 ~~vehicles per day based on the proposed land use and density, calculated utilizing the Trip~~  
207 ~~Generation Manual, Institute of Traffic Engineers, most current edition;~~  
208 **fl.** Indoor recreational facilities;  
209 **gm.** Outdoor recreational facilities;  
210 **h. Public utility facilities and structures.**

211 **i. The location of a building within a setback area required by HCC**  
212 **§21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC**  
213 **§21.71.030, the building must meet the following standards:**

- 214 **1. Not have a greater negative affect on the value of the adjoining**  
215 **property than a building located outside the setback area; and**  
216 **2. Have a design that is compatible with that of the structures on the**  
217 **adjoining property.**

218  
219 Section 8. HCC §21.30.040 Dimensional requirements, is amended to read as follows:  
220

221 21.30.040 Dimensional requirements. **The following dimensional requirements shall**  
222 **apply to all structures and uses in the marine industrial district:**

- 223 a. Lot Size. The minimum lot size is 6,000 square feet.  
224 b. Setbacks. **No building may be located in a required setback area without an**  
225 **approved conditional use permit.**

226 1. **Buildings** ~~All buildings~~ shall be set back 20 feet from all dedicated rights-  
227 of-way. Alleys are not subject to a 20 foot setback requirement. The setback requirements  
228 from any lot line abutting an alley will be determined by the dimensional requirements of  
229 subparagraph (2) below.

230 2. Buildings shall be set back five feet from all other lot boundary lot lines  
231 ~~unless adequate firewalls are provided and adequate access to the rear of the building is~~  
232 ~~otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by~~  
233 ~~the State Fire Marshal.~~

234 c. ~~Building Height.~~ 1. The maximum building height ~~is~~ shall be thirty-five feet.

235 d. No lot shall contain more than 8,000 square feet of building area (all buildings  
236 combined), nor shall any lot contain building area in excess of **70** ~~30~~ percent of the lot area  
237 without an approved conditional use permit.

238 e. Building Area and Dimensions - Retail and Wholesale.

239 1. The total ~~square-foot~~ floor area of retail and wholesale business uses  
240 within a single building shall not exceed 25,000 square feet.

241 2. In no event may a conditional use permit or variance be granted that  
242 would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming  
243 use or structure may be expanded in any manner that would increase its nonconformance  
244 with the limits of subparagraph (d)(1).  
245

246 Section 9. HCC §21.30.070 Site development requirements, is amended to read as  
247 follows:  
248

249 21.30.070 Site development requirements. ~~a.~~ All site development shall conform to the  
250 level **three** ~~two~~ site development standards contained in HCC **§21.50.040 and the following**  
251 **requirements:** ~~21.50.030.~~

252 **a. Development shall not impair public use of adjacent publicly-owned**  
253 **tidelands.**

254 **b. Buildings and roadways shall be located to minimize alteration to the natural**  
255 **terrain.**

256 **c. Grading and filling shall not alter the storm berm except as necessary to**  
257 **correct unsafe conditions.**

258 **db.** Point source discharges to a waterway shall **conform to the applicable**  
259 **regulations of** ~~be in conformance with the Alaska Department of Environmental Conservation~~  
260 ~~regulations.~~

261  
262 Section 10. HCC §21.50.040 Site Development standards - Level 3, is adopted to read as  
263 follows:  
264

265 21.50.040 Site Development standards - Level 3. This section establishes level three site  
266 development standards. Level three standards apply when specified by the applicable zoning  
267 district regulations or by another provision of the code.

268 a. Site Development.

269 1. Development shall not adversely impact other properties by causing  
270 damaging alteration of surface water drainage, surface water ponding, slope failure,  
271 erosion, siltation, or root damage to neighboring trees, or other adverse effects.

272 2. Upon completion of earthwork, all exposed slopes, and all cleared, filled,  
273 and disturbed soils shall be protected against subsequent erosion by methods, such as, but  
274 not limited to, landscaping, planting, and maintenance of vegetative cover.

275 b. Landscaping Requirements. Landscaping shall include the retention of native  
276 vegetation to the maximum extent possible and shall include, but is not limited to, the following:

277 1. A buffer of three feet minimum width along all lot lines where setbacks  
278 permit; except where a single use is contiguous across common lot lines, such as, but not  
279 limited to, shared driveways and parking areas. Whenever such contiguous uses cease the  
280 required buffers shall be installed.

281 2. In addition to the types of plantings listed in the definition of landscaping  
282 in HCC §21.03.040, landscaping may include planter boxes and hanging basket  
283 plantings. Amenities for public use such as bike racks, benches, trash receptacles and  
284 information kiosks, may be substituted for an equal area of required landscaping.

285  
286 Section 11. This Ordinance is of a permanent and general character and shall be included  
287 in the City Code.

288  
289 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of  
290 \_\_\_\_\_ 2013.

291  
292 CITY OF HOMER

293  
294

295  
296 \_\_\_\_\_  
297 MARY E. WYTHER, MAYOR

298 ATTEST:

299  
300

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

303  
304

305  
306

307 YES:

308 NO:

309 ABSTAIN:

310 ABSENT:

311  
312  
313

314 First Reading:  
315 Public Hearing:  
316 Second Reading:  
317 Effective Date:  
318  
319 Reviewed and approved as to form:

320  
321  
322 \_\_\_\_\_  
323 Walt E. Wrede, City Manager

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

324  
325  
326 Date: \_\_\_\_\_

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





# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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### MEMORANDUM 13-053

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
THROUGH: WALT WREDE, CITY MANAGER  
FROM: RICK ABOUD, CITY PLANNER  
DATE: March 23, 2013  
SUBJECT: Ordinance 13-11, Amending the Text of the Marine Commercial and Industrial Districts Ordinance

After several public workshops, extensive review and public hearings, the Homer Advisory Planning Commission recommends amendments to the text of the Marine Commercial and Industrial Districts in accordance with the 2010 Homer Spit Comprehensive Plan

The process for the updates started in May, 2012 with a memo going out to the Parks and Recreation Committee along with the Port and Harbor and Economic Development Commissions informing them of our intent to review and update the spit zoning and our desire for their input. The code revision was reviewed at various stages during 12 regular Homer Advisory Planning Commission Meetings, 2 of the meetings included written invitations to the business and property owners of the spit. Additionally, I presented at 2 Port and Harbor Commission meetings. A final public hearing was held March 20<sup>th</sup>.

A few basic concepts were used to determine the changes in the text:

**Marine Commercial** – It was agreed that the mix of activities in the Commercial District is welcome and makes Homer unique. The District is treated as a mixed use commercial district where industrial and commercial activities would be welcome together. Overnight accommodations as part of a business were examined and it was agreed that they could have a place as an accessory use. They would have to be limited to less than 50% of the floor area and would have to be certified by the Fire Marshal to be permitted through the Planning Office. Other lodging, hotel and motel can be authorized through the Planning Commission with a Conditional Use Permit (CUP). A CUP can also be used to apply to place some development in the setback.

**Marine Industrial** – It was decided that some land has to be reserved for industrial purposes specifically, with a strict limit on other activities, as we have come to find that once an industrial area is allowed to go ‘commercial’ it is unlikely that industrial uses will come back. Any type of housing or commercial activity has to be accessory to the primary industrial use found on a lot.

Both districts now require a level 3 development standard which has been specifically tailored to the conditions found on the spit and provides reasonable alternatives for landscape and buffers. Additionally, the “other similar uses” options for both districts have been removed. It was felt that this standard muddied the water, potentially allowing most anything to encroach into the districts and created a different standard for development in regards to city owned property.

Attachments:  
Draft Ordinance 11-XX  
Staff Reports  
Minutes  
Public Comments  
Public Notice  
Memos  
Draft Ordinances



# City of Homer Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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

## STAFF REPORT PL 13-30

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 20, 2013  
**SUBJECT:** Draft Ordinance amending the Marine Commercial and Marine Industrial Zoning Districts

**Requested Action:** Conduct a public hearing on the proposed amendments. Make any changes, and forward a recommendation to the City Council.

## GENERAL INFORMATION

This ordinance makes major changes to the Marine Industrial (MI) and Marine Commercial (MC) zoning districts. It also adds a definition of "Lodging" to the definitions section, and creates site development standards specific to the MC and MI districts.

The City Attorney was preparing a few amendments. These will be presented as a laydown at the meeting. The Commission can adopt those amendments by motion. The amendments pertain to lines 82-85, and 109-112, the building setback requirements. The new language will provide review criteria for the Commission when an applicant seeks a CUP to build within a setback area. The current language discusses building setback language in terms of alleys and access to the rear of the building, when in fact state fire marshal regulations can be met any number of ways. Staff does not recommend the code be stricter than State Fire Marshal regulations. The two should work together.

## STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

## ATTACHMENTS

1. Planning Department Review per 21.95.040
2. Draft ordinance



# City of Homer

## Planning & Zoning

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

### MEMORANDUM

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 20, 2013  
**SUBJECT:** Draft Ordinance amending the Marine Commercial and Marine Industrial Zoning Districts

**This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.**

#### 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.

Homer Spit Comprehensive Plan Goal 1.1 states, "Maintain the variety of land uses that establish the unique "spit" character and mix of land uses." Objectives include: Revise zoning to protect character and enhance commercial, industrial and public facility development, address marine commercial and marine industrial zoning. Strategies to achieve these include: identify appropriate residential uses on the Spit, cluster similar land uses, encourage amenities such as bike racks, planters, are, etc, and consider zero lot line construction. The amendments to the zoning districts

Goal 3.1 states "Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit." One objective is "determine economic development opportunities for "value added" growth such as processing, small scale retail, and restaurant serving local products." Strategies include encouraging development related to the fishing, fish processing and boating industries. The revised Marine districts loosen the zoning rules to allow more flexible land uses appropriate to each district, and reduce the number of activities that require a conditional use permit. For example, restaurants will be allowed as permitted uses in both districts, rather than a conditional use.

**Staff response:** The amendments are consistent with the Spit Comprehensive Plan and will further specific goals and objectives of the plan.

**b.** Will be reasonable to implement and enforce.

**Staff response:** The revised zoning districts reflect the mixture of land uses that are already present. The changes to the zoning code will be reasonable to implement and enforce.

**c.** Will promote the present and future public health, safety and welfare.

One of the major code amendments is the allowance of room rentals on the Spit. Under current code, this activity is not allowed outright. The proposed amendments clarify under what circumstances a room may be rented. These regulations are modeled after the State Fire Marshal Requirements for public safety. Clear regulations will allow business owner to decide

**Staff response:** The amendment promotes present and future public health, safety and welfare by rationalizing land use regulations to match existing state safety requirements, and the conditions found on the Spit. This land use pattern as is commonly found on the Spit 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.



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**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 13-**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE §21.03.040 TO ADD A DEFINITION OF LODGING; AMENDING HOMER CITY CODE §§21.28.020, 21.28.030, 21.28.040 AND 21.28.070, REGARDING THE MARINE COMMERCIAL ZONING DISTRICT; AMENDING HOMER CITY CODE §§21.30.020, 21.30.030, 21.30.040 AND 21.30.070, REGARDING THE MARINE INDUSTRIAL ZONING DISTRICT; AND ADOPTING HOMER CITY CODE §21.50.040, SITE DEVELOPMENT STANDARDS - LEVEL 3, TO IMPLEMENT THE HOMER SPIT COMPREHENSIVE PLAN.

THE CITY OF HOMER ORDAINS:

Section 1. HCC §21.03.040, Definitions, is amended by adding a definition of “lodging” to read as follows:

“Lodging” means any building or portion of a building that does not contain a dwelling unit and that contains no more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.

Section 2. HCC §21.28.020, Permitted uses and structures, is amended to read as follows:

21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine Commercial 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. Offices for tourism related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours ~~Boat charter offices;~~

b. Marine equipment sales, rentals, service, repair and storage ~~and parts sales and services;~~

c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;

d. Business offices for water-dependent and water related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;

e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves, provided that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;

f. Mobile food services;

g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

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

46 h. Recreational vehicle parks, provided they shall conform to the standards in HCC  
47 Chapter 21.54;

48 i. Restaurants;

49 j. Cold-storage facilities;

50 k. Campgrounds;

51 l. Manufacturing, processing, cooking, and packing of seafood products;

52 m. Parks;

53 n. Boat launching or moorage facilities, marinas;

54 o. Caretaker, business owner or employee housing as an accessory use to a  
55 primary use, and limited to no more than 50% of the floor area of a building and for use by  
56 an occupant for more than 30 consecutive days;

57 p. Lodging as an accessory use, limited to no more than 50% of the floor area of  
58 a building;

59 q. As an accessory use, one small wind energy system per lot.

60  
61 Section 3. HCC §21.28.030, Conditional uses and structures, is amended to read as  
62 follows:

63  
64 21.28.030 Conditional uses and structures. The following uses may be permitted in the  
65 Marine Commercial District when authorized by conditional use permit issued in accordance  
66 with HCC Chapter 21.71:

67 a. ~~Drinking~~ Restaurants and drinking establishments;

68 b. ~~Cold-storage facilities;~~

69 be. Public utility facilities and structures;

70 d. ~~Dredge and fill when required for construction or maintenance of a structure~~  
71 ~~devoted to one or more uses that are permitted or conditionally permitted in this district;~~

72 e. ~~Wholesale outlets for marine products;~~

73 f. ~~Pipelines and railroads;~~

74 g. ~~Heliports;~~

75 ch. Hotels and motels;

76 d. Lodging;

77 ei. More than one building containing a permitted principal use on a lot;

78 fj. Planned unit developments, limited to water-dependent and water-related uses,  
79 with no dwelling units except as permitted by HCC §21.28.020(o);

80 gk. Indoor recreational facilities;

81 hl. Outdoor recreational facilities;

82 i. The location of a building within a setback area required by HCC

83 §21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC

84 §21.71.030, the building must meet the following standards:

85 1. Not have a greater negative affect on the value of the adjoining  
86 property than a building located outside the setback area; and

87 2. Have a design that is compatible with that of the structures on the  
88 adjoining property.

89 m. ~~Campgrounds;~~

90 n. ~~Manufacturing, processing, cooking, and packing of seafood products.~~

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



91 ~~o. Other similar uses, if approved after a public hearing by the Planning~~  
92 ~~Commission, including but not limited to those uses authorized in the Marine Industrial district~~  
93 ~~under HCC §§ 21.30.020 and 21.30.030, provided the commission finds the use meets the~~  
94 ~~following standards and requirements:~~

95 ~~1. The proposed use is compatible with the purpose of the Marine~~  
96 ~~Commercial District,~~

97 ~~2. The proposed use is compatible with the land use development plan for the~~  
98 ~~Homer Spit and the Comprehensive Plan,~~

99 ~~3. Public facilities and services are adequate to serve the proposed use, and~~

100 ~~4. If City owned land, the Port and Harbor Commission, after a public~~  
101 ~~hearing, has made a written recommendation to the Planning Commission concerning the~~  
102 ~~proposed use, including specifically whether conditions (1) through (3) of this subsection~~  
103 ~~are or may, with appropriate conditions, be met by the proposed use.~~

104  
105 Section 4. HCC §21.28.040, Dimensional requirements, is amended to read as follows:

106  
107 21.28.040 Dimensional requirements. The following dimensional requirements shall  
108 apply to all structures and uses in the marine commercial district:

109 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before  
110 December 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before  
111 December 12, 2006.

112 b. **Setbacks. No building may be located in a required setback area without an**  
113 **approved conditional use permit.**

114 **1.** Buildings shall be set back 20 feet from all dedicated rights-of-way and  
115 ~~five feet from all other lot boundary lines.~~ Alleys are not subject to a 20 foot setback  
116 requirement. **The setback requirements from any lot line abutting an alley will be**  
117 **determined by the dimensional requirements of subparagraph (2) below.**

118 **2.** **Buildings shall be set back five feet from all other lot boundary lot**  
119 **lines.**

120 c. The maximum building height is 35 feet.

121 d. No lot shall contain more than 8,000 square feet of building area (all buildings  
122 combined), nor shall any lot contain building area in excess of ~~70~~ **30** percent of the lot area  
123 without an approved conditional use permit.

124 e. Building Area and Dimensions - Retail and Wholesale.

125 1. The **total** floor area of retail and wholesale business uses within a single  
126 building shall not exceed 25,000 square feet.

127 2. In no event may a conditional use permit, Planned Unit Development, or  
128 variance be granted that would allow a building to exceed the limits of subparagraph  
129 (e)(1) and no nonconforming use or structure may be expanded in any manner that would  
130 increase its nonconformance with the limits of subparagraph (e)(1).

131  
132 Section 5. HCC §21.28.070, Site development requirements, is amended to read as  
133 follows:

134  
[**Bold and underlined added.** Deleted language stricken through.]

135 21.27.070 Site development requirements. All development on lands in this district shall  
136 conform to the level ~~three~~ two-site development standards set forth in HCC §21.50.040 and the  
137 following requirements: 21.50.030.

138 a. Development shall not impair public use of adjacent publicly-owned  
139 tidelands.

140 b. Buildings and roadways shall be located to minimize alteration to the natural  
141 terrain.

142 c. Grading and filling shall not alter the storm berm except as necessary to  
143 correct unsafe conditions.

144 d. Point source discharges to a waterway shall conform to the applicable  
145 regulations of the Alaska Department of Environmental Conservation.

146  
147 Section 6. HCC §21.30.020 Permitted uses and structures, is amended to read as follows:

148  
149 21.30.020 Permitted uses and structures. The following uses are permitted outright in the  
150 Marine Industrial District, except when such use requires a conditional use permit by reason of  
151 size, traffic volumes, or other reasons set forth in this chapter:

- 152 a. Port and harbor facilities;  
153 b. Manufacturing, processing and packing of sea products;  
154 c. Cold-storage;  
155 d. Dry docks;  
156 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;  
157 f. Marine equipment sales, rentals, service, repair and storage;  
158 g. Boat launching or moorage facilities, marinas, boat charter services;  
159 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine

160 vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based  
161 transportation;

162 ~~i. Other similar uses, if approved after a public hearing by the Commission,~~  
163 ~~including but not limited to those uses authorized in the Marine Commercial District under HCC~~  
164 ~~§§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following~~  
165 ~~standards and requirements:~~

166 ~~1. The proposed use is compatible with the purpose of Marine Industrial~~  
167 ~~District or provides a necessary service to water dependent industry;~~

168 ~~2. The proposed use is compatible with land use development plans for the~~  
169 ~~Homer Spit and the comprehensive plan;~~

170 ~~3. Public facilities and services are adequate to serve the proposed use, and~~

171 ~~4. The Port and Harbor Commission, after a public hearing, has made a~~  
172 ~~written recommendation to the Commission concerning the proposed use, including~~  
173 ~~specifically whether conditions (1) through (3) of this subsection are or may, with~~  
174 ~~appropriate conditions, be met by the proposed use;~~

175 ~~ij. Mobile food services;~~

176 ~~jk. Itinerant merchants, provided all activities shall be limited to uses permitted~~  
177 ~~outright under this zoning district;~~

178 ~~kl. Recreational vehicle parks, provided they shall conform to the standards in HCC~~  
179 ~~§ 21.54.~~

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

180 l. Caretaker, business owner or employee housing as an accessory use to a  
181 primary use, and limited to no more than 50% of the floor area of a building and for use by  
182 an occupant for more than 30 consecutive days;

183 m. More than one building containing a permitted principal use on a lot;

184 n. Restaurant as an accessory use;

185 o. Parks;

186 ~~pm.~~ As an accessory use, one small wind energy system per lot.

187  
188 Section 7. HCC §21.30.030 Conditional uses and structures, is amended to read as  
189 follows:

190  
191 21.30.030 Conditional uses and structures. The following uses may be permitted in the  
192 Marine Industrial District when authorized by conditional use permit issued in accordance with  
193 HCC Chapter 21.71:

194 a. Planned unit development, limited to water-dependent or water-related uses and  
195 excluding all dwellings;

196 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;

197 ~~c. Restaurants and drinking establishments;~~

198 ~~cd.~~ Extractive enterprises related to other uses permitted in the district;

199 ~~de.~~ Campgrounds;

200 ~~ef.~~ Bulk petroleum storage;

201 ~~g. Caretaker's residence as an accessory to a permitted or conditionally permitted~~  
202 ~~use;~~

203 ~~h. Heliports;~~

204 ~~i. Pipelines and railroads;~~

205 ~~j. More than one building containing a permitted principal use on a lot.~~

206 ~~k. Permitted uses that exceed 100 vehicles during peak hour or more than 500~~  
207 ~~vehicles per day based on the proposed land use and density, calculated utilizing the Trip~~  
208 ~~Generation Manual, Institute of Traffic Engineers, most current edition;~~

209 ~~fl.~~ Indoor recreational facilities;

210 ~~gm.~~ Outdoor recreational facilities;

211 h. Public utility facilities and structures.

212 i. The location of a building within a setback area required by HCC  
213 §21.28.040(b). In addition to meeting the criteria for a conditional use permit under HCC  
214 §21.71.030, the building must meet the following standards:

215 1. Not have a greater negative affect on the value of the adjoining  
216 property than a building located outside the setback area; and

217 2. Have a design that is compatible with that of the structures on the  
218 adjoining property.

219  
220 Section 8. HCC §21.30.040 Dimensional requirements, is amended to read as follows:

221  
222 21.30.040 Dimensional requirements. The following dimensional requirements shall  
223 apply to all structures and uses in the marine industrial district:

224 a. Lot Size. The minimum lot size is 6,000 square feet.

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

225           b. Setbacks. No building may be located in a required setback area without an  
226 approved conditional use permit.

227           1. Buildings ~~All buildings~~ shall be set back 20 feet from all dedicated rights-  
228 of-way. Alleys are not subject to a 20 foot setback requirement. The setback requirements  
229 from any lot line abutting an alley will be determined by the dimensional requirements of  
230 subparagraph (2) below.

231           2. Buildings shall be set back five feet from all other lot boundary lot lines  
232 ~~unless adequate firewalls are provided and adequate access to the rear of the building is~~  
233 ~~otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by~~  
234 ~~the State Fire Marshal.~~

235           c. ~~Building Height.~~ 1. The maximum building height is ~~shall be~~ thirty-five feet.

236           d. No lot shall contain more than 8,000 square feet of building area (all buildings  
237 combined), nor shall any lot contain building area in excess of 70 ~~30~~-percent of the lot area  
238 without an approved conditional use permit.

239           e. Building Area and Dimensions - Retail and Wholesale.

240           1. The total ~~square feet~~ floor area of retail and wholesale business uses  
241 within a single building shall not exceed 25,000 square feet.

242           2. In no event may a conditional use permit or variance be granted that  
243 would allow a building to exceed the limits of subparagraph (d)(1) and no nonconforming  
244 use or structure may be expanded in any manner that would increase its nonconformance  
245 with the limits of subparagraph (d)(1).

246  
247           Section 9. HCC §21.30.070 Site development requirements, is amended to read as  
248 follows:

249  
250           21.30.070 Site development requirements. a. All site development shall conform to the  
251 level three ~~two~~-site development standards contained in HCC §21.50.040 and the following  
252 requirements: 21.50.030.

253           a. Development shall not impair public use of adjacent publicly-owned  
254 tidelands.

255           b. Buildings and roadways shall be located to minimize alteration to the natural  
256 terrain.

257           c. Grading and filling shall not alter the storm berm except as necessary to  
258 correct unsafe conditions.

259           db. Point source discharges to a waterway shall conform to the applicable  
260 regulations of ~~be in conformance with~~ the Alaska Department of Environmental Conservation  
261 regulations.

262  
263           Section 10. HCC §21.50.040 Site Development standards - Level 3, is adopted to read as  
264 follows:

265  
266           21.50.040 Site Development standards - Level 3. This section establishes level three site  
267 development standards. Level three standards apply when specified by the applicable zoning  
268 district regulations or by another provision of the code.

269           a. Site Development.

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

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1. Development shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to neighboring trees, or other adverse effects.

2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods, such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

b. Landscaping Requirements. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

1. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

2. In addition to the types of plantings listed in the definition of landscaping in HCC §21.03.040, landscaping may include planter boxes and hanging basket plantings. Amenities for public use such as bike racks, benches, trash receptacles and information kiosks, may be substituted for an equal area of required landscaping.

Section 11. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

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

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

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

315 Reviewed and approved as to form:

316

317

318

319 \_\_\_\_\_  
Walt E. Wrede, City Manager

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

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

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

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

Session 13-04, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on March 20, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, SLONE, SONNEBORN, STEAD, VENUTI

STAFF: CITY PLANNER ABBOD  
PLANNING TECHNICIAN ENGBRETSEN  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

The agenda was approved as presented by consensus of the Commission.

### **Public Comment**

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

None

### **Reconsideration**

### **Adoption of Consent Agenda**

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

A. Approval of Minutes of March 6, 2013 meeting

The consent agenda was approved by consensus of the Commission.

### **Presentations**

#### **Reports**

A. Staff Report PL 13-32, City Planner's Report

City Planner Abboud reviewed his staff report.

#### **Public Hearings**

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

A. Staff Report PL 13-30, Draft Ordinance Amending the Marine Commercial and Marine Industrial Zoning District

Planning Technician Engebretsen reviewed the staff report.

In response to questions about the conditional uses that are struck out, Mrs. Engebretsen explained that in the city code they have a section about unlisted uses. If a person wants to do something that isn't a

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 20, 2013

listed use they can get a conditional use permit for an unlisted use, and the process is spelled out under the unlisted use section of code. Getting rid of the other similar uses matches our other commercial districts, and eliminates the separate class of landowner that was created by having a set of rules for city owned property. All landowners should be equal and if the City wants a separate rule, it should be in administrative guidelines, not the zoning code.

Chair Venuti opened the public hearing.

Dan Young, property owner on the spit, commented in support of the changes tonight. He looked over the changes and they affect him positively. They tried to make these changes six years ago but they failed. He is glad to see this happening.

Thad Busheu, property owner on the spit, commented in support of the changes, they will benefit him as well.

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

**BOS/SONNEBORN MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICT AND RECOMMEND ADOPTION BY THE CITY COUNCIL.**

There was brief discussion for clarification that the information referenced in the laydown memo is already included in the draft ordinance provided by the City Attorney.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

**B. Staff Report PL 13-31, Draft Ordinance Amending the Zoning Map on the Homer Spit**

Planning Technician Engebretsen reviewed the staff report.

In response to questions, City Planner Abboud explained that the need for more marine commercial property is warranted due to several applications for conditional use for marine commercial activity in the marine industrial area.

Chair Venuti opened the public hearing. There were no public comments and the hearing was closed.

**BOS/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING THE HOMER ZONING MAP TO REZONE THE HOMER SPIT AND RECOMMEND ADOPTION BY THE CITY COUNCIL.**

It was noted that the map has been put together very well and is a welcomed change.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.





# City of Homer Planning & Zoning

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## MEMORANDUM

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 20, 2013  
**SUBJECT:** SR 13-30

### **Requested Action: None**

Staff Report 13-30 states that the attorney was going to prepare an amendment for the Planning Commission, as a lay down at the meeting. However, the attorney was able to get a revised ordinance together in time for the packet. Therefore, the amended version is what's in your packet, and it has the corrections staff was looking for. No special action is needed by the Commission!

To date, Planning has received a few phone calls from land and business owners. No formal comments or concerns; they have simply asked how the changes would affect their particular business.





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**TO:** Economic Development Advisory Planning Commission  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 12, 2013  
**SUBJECT:** Zoning code and zoning map changes on the Homer Spit

**Requested Action:** None. The Commission is welcome to make comments on the proposed changes. I will be attending the meeting on the 12<sup>th</sup> to answer any questions and relay any comments to the Planning Commission.

### **Introduction**

For the past nine months or so, the Homer Advisory Planning Commission has been working on revising the land use regulations on the Spit. There are two types of changes; the text of the zoning districts, i.e. what land uses are or are not allowed, and the zoning map. There is a public hearing scheduled for March 20<sup>th</sup> on these proposed changes at the Planning Commission meeting..

These changes are to implement the Spit Plan, and hopefully will result in more clear, logical zoning regulations. For example, several areas will be rezoned from Marine Industrial to Marine Commercial. This will allow for a broader range of businesses. Fisheries activates are still allowed, but so are kayak rentals and all the other business that have been there for so long. Conversely, the Marine Industrial District will be focused on industrial and fishing related activity. For example, Fish Dock Road lots will remain Marine Industrial; they are important to Homer's economic success as a fishing port and are very close to harbor infrastructure.

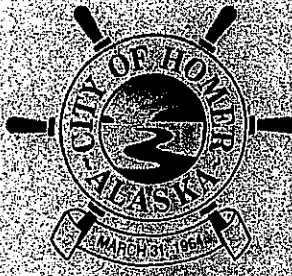
Another major change is the allowance of overnight room rentals. Under current zoning regulations, most of the rooms for rent above shops are a zoning violation. The 2010 Spit Comprehensive Plan recognized the need to address this conflict between zoning, and a common business practice. Last fall, the Planning Commission invited Spit business owners to a work session, to talk about how people are really using their property, and what zoning and safety regulations might look like. The end recommendation from the Planning Commission and staff is to change the city zoning regulations to follow the regulations already in place by the State Fire Marshal. The proposed changes should help to solve the long term zoning conflicts.

Copies of the draft ordinances are attached. I will be at your meeting if you have any questions/concerns/comments.

There are two meetings coming up about Spit issues. See attached flier.

## **Attachments**

1. Meeting flier for March 20<sup>th</sup> and 28<sup>th</sup>
2. Draft Ordinance amending the Marine Commercial and Marine Industrial Zoning Districts
3. Draft Ordinance amending the zoning map on the Spit



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### Please Join Us!

There are changes planned for the Spit! This letter is to notify you of two meetings. Both meetings will be held at Homer City Hall, in the Council Chambers.

- 1. Wednesday March 20<sup>th</sup>, 6:30 PM: Public hearing** to take testimony on proposed zoning code and zoning map changes on the Spit. The Homer Advisory Planning Commission will hold a public hearing on three proposals: Changes to the zoning map, and changing the land use regulations for the Marine Industrial and Marine Commercial Zoning Districts. Planning staff would be happy to discuss your property and how the changes would affect you. For more information, please contact Rick Abboud or Julie Engebretsen at 235-3106 or email [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us).
- 2. Wednesday March 28<sup>th</sup> at 4:00 pm: Neighborhood meeting** to take comments on the proposed Spit Trail construction. The Spit Trail will be completed during summer 2013 and 2014, and two new restrooms will be built this year. There are several other harbor construction projects planned for the upcoming construction season. This is your chance to learn about them and make comments. A Port and Harbor Advisory Commission meeting follows immediately after at 5:00 pm if you'd like to make formal comments. For more information, please contact Dan Nelson or Carey Meyer at 235-3170, or email [publicworks@ci.homer.ak.us](mailto:publicworks@ci.homer.ak.us).

Website: <http://www.cityofhomer.ak.gov/planning> Click on Spit Changes 2013.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION  
REGULAR MEETING  
MARCH 12, 2013

- It could be more successful to email individuals and ask if they would help with our project and fill out the survey.
- Artists make up a large group of business owners, and including that category will pick up a lot of people.
- Another goal is to help find ways to serve this population's needs.
- There are two tiers of businesses, those just starting out and people who have been in business for years.
- One way to define it could be those whose products are going out over the web versus only being sold locally.
- Ask about challenges business owners have, list some options like access to capital and specialized education, and leave a space to fill in.
- Ask about general qualities are important to a business owner. Mobile businesses can go anywhere so what is important, band width or glaciers?
- Needs will vary between businesses that offer tangible items and businesses that offer a service.
- A definition of the focus group could be those whose primary service is going out through the internet.

Mrs. Koester said she would work through the information they discussed and bring back a new draft at the next meeting.

**NEW BUSINESS**

**A. Memorandum from Planning Technician Engebretsen Re: Zoning Code and Zoning Map changes on the Homer Spit**

Planning Technician Engebretsen provided an overview of the proposed changes to the zoning on the Homer Spit that the Planning Commission has been working on. The goal of the amendments is to better separate what is industrial and what is commercial. Marine industrial uses will stay clustered in proximity to the ice plant. Going up the spit from the ice plant there will be a better mixture of commercial uses. It also includes changes to allow overnight accommodations in accordance with certain health and safety requirements specific to whether it is for an owner, employee, or overnight rental to the public.

There was brief discussion about the draft, and no recommendations were proposed.

**B. Memorandum from Planning Technician Engebretsen Re: Spit Trail Construction**

Planning Technician Engebretsen reviewed the plans for the spit trail improvements.

The Commission commented favorable about the overall concept and no recommendations were proposed.

**C. Land Allocation Plan**

**a. Memorandum from Planning Technician Engebretsen**

The commission reviewed the land allocation plan and agreed by consensus that the area known as End of the Road Park be designated as park.



# City of Homer

## Planning & Zoning

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### STAFF REPORT PL 13-06

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** January 16, 2013  
**SUBJECT:** Marine Industrial/Marine Commercial Rezoning

**Requested Action:** Discuss the possible zoning map changes, and draft district performance standards.

#### **Introduction**

This staff report will address two topics: possible areas for rezoning, and changes to performance standards in the text of the Marine Commercial and Marine Industrial Districts.

The goal of all these changes to the district text and zoning map, is for the zoning regulations to align with the Comprehensive Plan, current uses, and desired long term land use.

#### **Analysis**

##### Rezoning

The rezones shown in the attached maps, and described below, are based on the Spit Comprehensive Plan, and the draft Marine Industrial and Marine Commercial zoning ordinances. These changes are a draft only; the Commission can consider other zoning options. When the Commission reaches consensus, staff will follow the public notice process outlined in city code.

This staff report follows the spit from base to tip, discussion the draft rezoning.

#### MAP 1

1. Mud Bay area. There are three pieces of City owned property that staff recommends a change from Marine Industrial to Conservation Zoning. There is little if any land that is developable; its all tidal and seaward of the Spit Trail.
2. On the Cook Inlet side of the Spit, rezone three city parcels and one parcel owned by The Nature Conservancy from Marine Industrial to Open Space Recreation.

#### MAP 2

3. Rezone four private lots on the Cook Inlet side of the Spit from Marine Industrial, to Marine Commercial.
4. Rezone the city campground office lot from Marine Industrial to Open Space Recreation.
5. Rezone two lots on Freight Dock road to MC.

6. Rezone nine lots along the harbor, from the Harbormaster's Office to Fish Dock Road, from Marine Industrial to Marine Commercial.

#### **Split Lot Rezoning**

There are two lots on the Spit that have split lot zoning. This occurs when the zoning boundary does not follow property lines. Under Home City Code, zoning boundaries generally should follow lot lines, and the centerline of the right of way. Historically its not clear why they are split, or if was simply the result of the cartography at the time. Using the original zoning information and current property lines results in lots with split zoning. Staff recommends the following:

7. Rezone a portion of the Spit Campground, next to Seafarer's Memorial, from Open Space Recreation to Marine Industrial.
8. Rezone the edge of Lands' End Hotel/Resort from Marine Industrial to Marine Commercial.

#### **District text changes**

At the last work session, staff recommended some changes to the landscaping and storm water regulations on the Spit. Attached is a draft of the site development requirements that would be required in Marine Industrial and Marine Commercial. Currently they are both subject to level two standards, found in 21.50.030. Based on the Commission's discussion, staff took the existing zoning regulations, and cut them down to what might make more sense for the Spit. There are no city storm water requirements and the landscaping requirements are more flexible.

#### **Staff Recommendation Planning Commission**

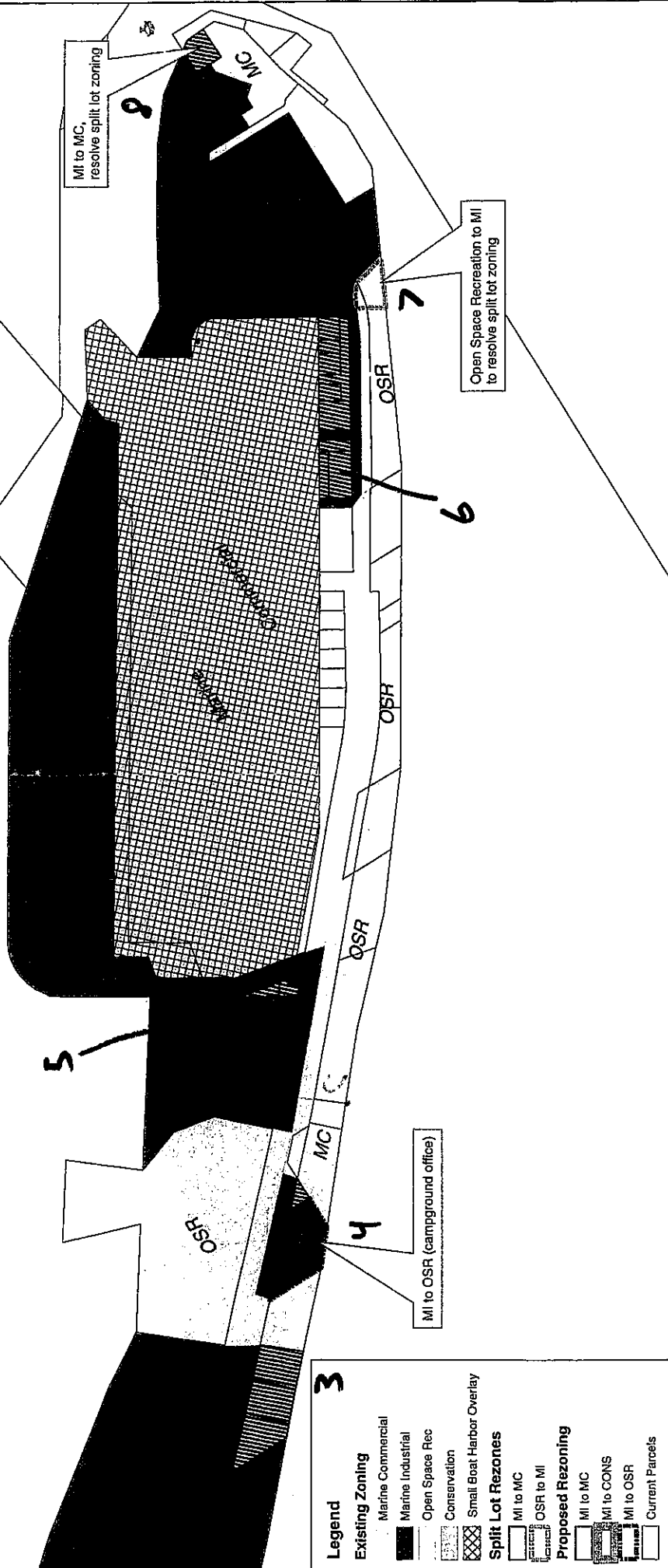
1. Discuss the rezoning areas and provide comments to staff
2. Discuss the proposed level three site development standards and provide comments

#### **Attachments**

1. Proposed rezone map dated 1/16/2013
2. Proposed level three site development standards dated 1/16/2013



Draft Spit Rezoning  
1/16/2013



**3**

**Legend**

**Existing Zoning**

- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Small Boat Harbor Overlay

**Split Lot Rezones**

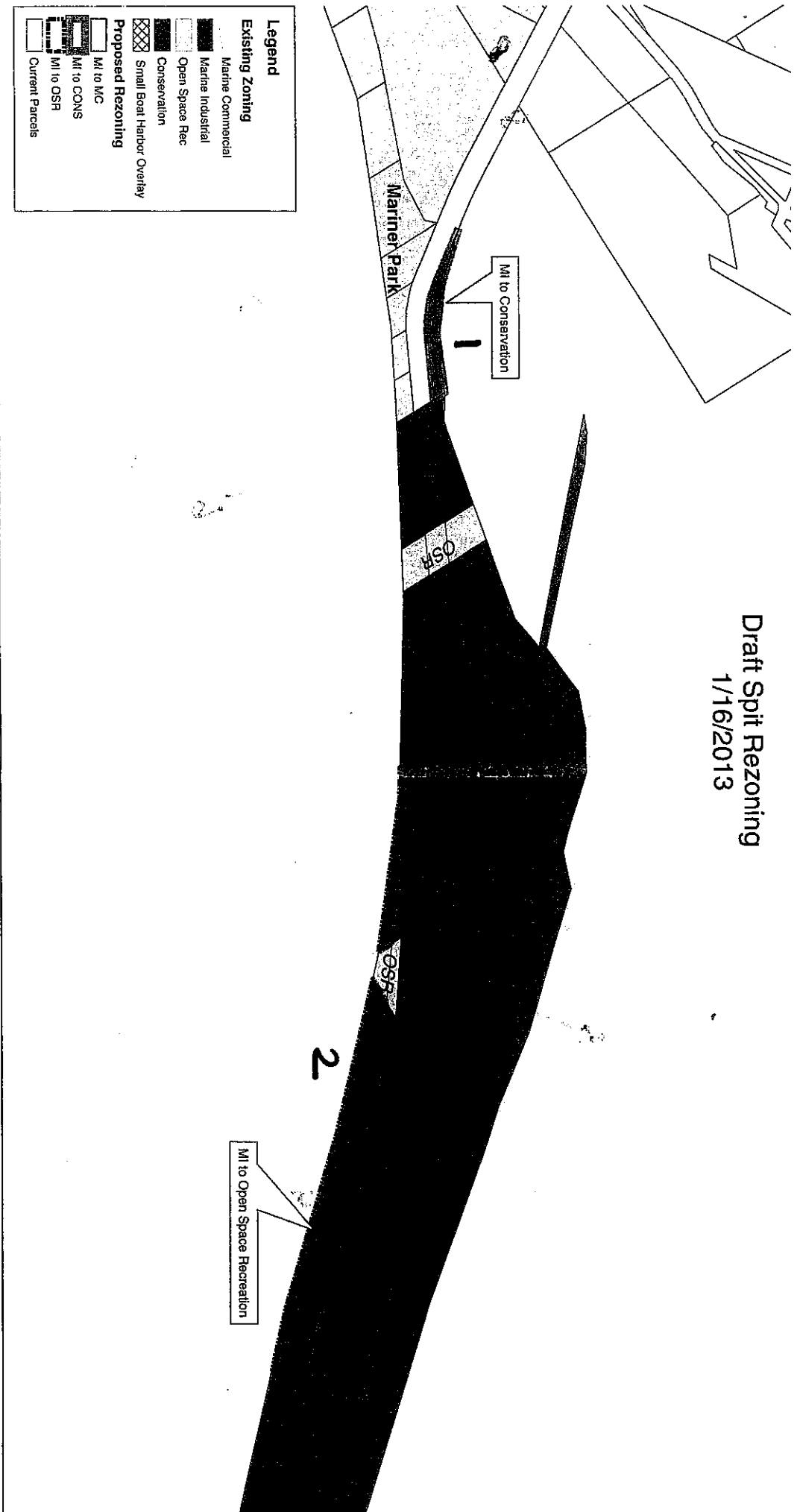
- MI to MC
- OSR to MI

**Proposed Rezoning**

- MI to MC
- MI to CONS
- MI to OSR
- Current Parcels

Map 2

Draft Spit Rezoning  
1/16/2013



Map 1

1 1/16/2013 DRAFT

2

3 21.50.040 Site Development Standards - Level 3

4 This section establishes level three site development standards. Level three standards apply when  
5 specified by the applicable zoning district regulations or by another provision of the code.

6 a. Site Development.

7 1. Development shall not adversely impact other properties by causing damaging alteration of  
8 surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to  
9 neighboring trees, or other adverse effects.

10 2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils  
11 shall be protected against subsequent erosion by methods, such as, but not limited to,  
12 landscaping, planting, and maintenance of vegetative cover.

13 3. All development shall provide a drainage system that is designed to deposit all runoff into  
14 either an engineered drainage system or into a natural drainage.

15 b. Landscaping Requirements. All development shall conform to the following landscaping  
16 requirements:

17 1. Landscaping shall include the retention of native vegetation to the maximum extent possible  
18 and shall include, but is not limited to, the following:

19 a. Buffers:

20 i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a  
21 single use is contiguous across common lot lines, such as, but not limited to, shared driveways  
22 and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

23 ii. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040,  
24 landscaping may include planter boxes and hanging basket plantings. Landscaping may include  
25 substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash  
26 receptacles and information kiosks, for part of the required landscaping in an amount of equal  
27 area required for landscaping.

28

29

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JANUARY 16, 2013

The Commission acknowledged the conflict of the cistern and what warrants public water. Homer does have a unique situation all over. They asked questions of staff and Mr. Nelson about the potential of an exception to the rule and allow the smaller lot size because the residence is serviced by a cistern and not a well. They struggled with how to stay within the code specifications and how to consider cisterns in relation to type of water supply. Some commissioners expressed that that delivering city water to a cistern should be considered a public water supply, and others suggested that once city water goes into a truck for a business to deliver for a fee, it's no longer a public water supply. It was also questioned whether another configuration of the lot lines is feasible to meet the requirement in code. It was further suggested that there may be more information of how to address the public water issue through court records if there was more time to research it.

SLONE MOVED TO POSTPONE TO THE NEXT MEETING.

The motion failed for lack of a second.

The Commission continued to reiterate the best way to work with the property owner and stay within the parameters lined out in code. City Planner Abboud reminded them that this will go to the Borough for final review and determination.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-03, PARADISE SOUTH SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no additional discussion.

VOTE: YES: BOS, SONNEBORN, VENUTI  
NO: STEAD, HIGHLAND, SLONE

Motion failed for lack of a majority.

City Planner Abboud said that the staff report and minutes from tonight's meeting will be provided to the Borough for their information when they consider the plat.

Chair Erickson returned to the table.

The Commission expressed they would like to address this issue with how to consider cisterns for future actions that come before the Commission.

**PENDING BUSINESS**

A. Staff Report PL 13-06, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission reviewed the information and provided comments to staff at the worksession and revisit it in March.

B. Staff Report PL 13-02, Lighting

The Commission watched a short video via youtube.com at their worksession. It was noted that the lighting information in the code applies to Commercial buildings and suggestion was raised that



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### MEMORANDUM 13-

**TO:** Port and Harbor Commission  
**FROM:** Rick Abboud, City Planner  
**DATE:** January 16, 2013  
**SUBJ:** Marine Commercial and Industrial Zoning

The Planning Commission has been working on revisions to the text of the Marine Commercial and Marine Industrial zoning Districts. Your input is important to the Planning Commission and I will include any other developments in your next packet. Thanks for your time!

**Attachments:**

1. Staff Report 13-06, from 1/16/13 HAPC meeting
2. Draft Marine Commercial Ordinance
3. Draft Marine Industrial Ordinance

PORT AND HARBOR ADVISORY COMMISSION  
REGULAR MEETING  
JANUARY 23, 2013

Harbormaster Hawkins explained that the 5000 square foot size was established by the folks who drew up the plans, they came and spent some time at the current office and then drafted the concept. It accommodates what they have now and provides some room to grow in the future. Harbor staff did not provide feedback specific to this concept drawing.

It was reiterated that they are only making a recommendation regarding the concept of the harbormaster's office and preferred location, not about funding at this time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Memorandum to Port and Harbor Commission from City Planner Abboud Re: Marine Commercial and Industrial Zoning

City Planner Abboud addressed the Commission regarding his staff report.

Question was raised about whether changing the zoning would cause lessees to move or go out of business when their leases are up. City Planner Abboud responded that it will have to be addressed through nonconformity until they expand or replace the structures. Theoretically it could be rented out again if it's the same activity in the same space.

City Planner Abboud reviewed the draft zoning map for the spit compared to the current zoning. It was noted that if the zoning is industrial in the area where there may be mooring and barges, a little bit of commercial area would be fine to accommodate an industrial supply store for example.

There were comments in relation to challenges of over slope development and challenges of parking and access. If over slope becomes an option perhaps a lot can be included to address access and parking.

They also addressed drainage. It was suggested that site development standards could be removed. It creates a lot of extra costs for someone developing something, as there aren't a lot of drainage issues other than the low spots that are full of water now. City Planner Abboud explained that if there is a large development out there, it shouldn't flood or pollute the neighbor's lot or surrounding lands. If there is a giant parking lot, it need to be established what happens to the run off, it can't go untreated or into the harbor. It isn't happening now, but as an example for the new restroom and facility for the cruise ships there will be a lot of pavement associated with it. It will create a sheeting of water that if left untreated would go into the harbor or bay, or onto someone's lot. Hopefully there will be uncomplicated options like swales and grass to filter the run off. There was discussion about drainage issues and way to address them.

In regard to the effect of changing zoning to the kayak launch City Planner Abboud said it is a water dependent activity, and they will ensure that the industrial zoning includes parks.

**INFORMATIONAL ITEMS**

- A. Monthly Statistical & Performance Report December 2012
- B. Weekly Crane and Ice Report



# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-67

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** December 5, 2012  
**SUBJECT:** Marine Industrial and Marine Commercial Zoning

### Requested Action:

Continue discussion on Marine Industrial and Marine Commercial districts at the work session. During the regular meeting, forward the draft ordinances to the Port and Harbor Commission for discussion at their December 19th meeting.

### Introduction:

One topic the Commission has not specifically discussed is performance standards. Generally speaking, these are the landscaping requirements, and triggers for storm water plans. The current standards in both marine districts are the same as all the other business districts in Homer. The problem with this is the Spit, a gravel glacial moraine, is nothing like Ocean Drive or East End Road commercial areas. The concerns are different, and the landscaping options are different. Staff has some ideas for Marine Commercial, and would like to have a discussion at the work session on these ideas.

### MC Landscaping options

The Spit is a high human use area, and a forbidding, windy environment to traditional landscaping such as lawns or hanging baskets. Current landscaping requirements state there shall be 3 feet of landscaping along all lot lines (and quite a bit more for larger parking lots). Several conditional use permits have been approved that substituted planters or other features for the landscaping requirements. The Spit Comprehensive plan states "Encourage all developments to provide amenities such as bike racks, benches, picnic tables, trashcans, and landscape features such as planters and are." (p. 34) *Staff recommends* putting these alternative landscape options in code. If the Commission likes this concept, perhaps a developer could install some of those items in place of having three feet of landscaping along lot lines.

### Marine Industrial storm water thoughts

Staff is researching ideas on appropriate snow and storm water management. The difficulty is that public streets cover a much larger percentage of the land on the Spit, than one might find in the East End Mixed Use. Lot by lot storm water design becomes difficult on cramped lots. This creates a lot of expense for very small water quality gains (if any). The City might be more successful in addressing environmental concerns by better management of the large public parking areas. This may not be an issue for the zoning code (but very much open to discussion!)

**Ordinance changes since the last versions**

- Parks as a permitted use in both districts,
- Boat storage added in Marine Commercial as a permitted use.

**Next steps**

Early 2013: Consider comments from the Port and harbor Commission and talk about zoning map changes. Hold a public hearing on the zoning district and map changes (Feb/March). Done!

**Staff Recommendation**

Planning Commission continue discussion on Marine Industrial and Marine Commercial districts at the work session. During the regular meeting, forward the draft ordinances to the Port and Harbor Commission for discussion at their December 19th meeting.

**Attachments**

1. Marine Industrial Draft Ordinance 11/29/12 version
2. Marine Commercial Draft Ordinance 11/29/12 version



# Chapter 21.30 MI Marine Industrial District

11.29.2012

Sections:

21.30.010 Purpose.

21.30.020 Permitted uses and structures.

21.30.030 Conditional uses and structures.

21.30.040 Dimensional requirements.

21.30.050 Site and access plan.

21.30.060 Traffic requirements.

21.30.070 Site development requirements.

21.30.080 Nuisance standards.

21.30.090 Lighting standards.

21.30.010 Purpose. The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses. (Ord. 08-29, 2008).

21.30.020 Permitted uses and structures. The following uses are permitted outright in the Marine Industrial 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. Port and harbor facilities;

b. Manufacturing, processing and packing of sea products;

c. Cold-storage;

d. Dry docks;

e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;

f. Marine equipment sales, rentals, service, repair and storage.

g. Boat launching or moorage facilities, marinas, boat charter services;

h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;

~~i. Other similar uses, if approved after a public hearing by the Commission, including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following standards and requirements:~~

~~1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water dependent industry,~~

~~2. The proposed use is compatible with land use development plans for the Homer Spit and the~~

39 comprehensive plan;  
40 ~~3. Public facilities and services are adequate to serve the proposed use, and~~  
41 ~~4. The Port and Harbor Commission, after a public hearing, has made a written recommendation~~  
42 ~~to the Commission concerning the proposed use, including specifically whether conditions (1)~~  
43 ~~through (3) of this subsection are or may, with appropriate conditions, be met by the proposed~~  
44 ~~use;~~

45 j. Mobile food services;

46 k. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
47 this zoning district;

48 l. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.

49 **o. Caretaker, business owner or employee as an accessory use to a primary use. The**  
50 **accommodations must be 50% or less of the building area, and intended use by the**  
51 **occupant for more than 30 consecutive days.**

52 **p. More than one building containing a permitted principal use on a lot.**

53 **q. Restaurant as an accessory use.**

54 **r. Parks**

55 21.30.030 Conditional uses and structures. The following uses may be permitted in the Marine  
56 Industrial District when authorized by conditional use permit issued in accordance with HCC  
57 Chapter 21.71:

58 a. Planned unit development, limited to water-dependent or water-related uses and excluding all  
59 dwellings;

60 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;

61 ~~e. Restaurants and drinking establishments;~~

62 d. Extractive enterprises related to other uses permitted in the district;

63 e. Campgrounds;

64 f. Bulk petroleum storage;

65 ~~g. Caretaker's residence as an accessory to a permitted or conditionally permitted use; permit~~  
66 outright

67 h. Heliports;

68 i. Pipelines and railroads;

69 ~~j. More than one building containing a permitted principal use on a lot.~~

70 k. Permitted uses that exceed 100 vehicles during peak hour or more than 500 vehicles per day  
71 based on the proposed land use and density, calculated utilizing the Trip Generation Manual,  
72 Institute of Traffic Engineers, most current edition;

73 l. Indoor recreational facilities;

74 m. Outdoor recreational facilities.

75

76 21.30.040 Dimensional requirements. a. Lot Size. The minimum lot size is 6,000 square feet.

- 77 b. Setbacks.
- 78 1. *All buildings shall be set back 20 feet from all dedicated rights-of-way.* Alleys are not subject  
79 to a 20 foot setback requirement. The setback requirements from any lot line abutting an alley  
80 will be determined by the dimensional requirements of subparagraph (2) below.
- 81 2. Buildings shall be set back five feet from all other lot boundary lot lines unless adequate  
82 firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g.,  
83 alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.
- 84 c. Building Height.
- 85 1. The maximum building height shall be thirty-five feet.
- 86 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor  
87 shall any lot contain building area in excess of ~~30~~ 70 percent of the lot area without an approved  
88 conditional use permit.
- 89 e. Building Area and Dimensions - Retail and Wholesale.
- 90 1. The total square feet floor area of retail and wholesale business uses within a single building  
91 shall not exceed 25,000 square feet.
- 92 2. In no event may a conditional use permit or variance be granted that would allow a building to  
93 exceed the limits of subparagraph (d)(1) and no nonconforming use or structure may be  
94 expanded in any manner that would increase its nonconformance with the limits of subparagraph  
95 (d)(1). (Ord. 08-29, 2008; Ord. 08-27(S)§1, part, 2008).
- 96
- 97 21.30.050 Site and access plan. a. A zoning permit for a building or structure within the Marine  
98 Industrial District shall not be issued by the City without a level two site plan approved under  
99 HCC Chapter 21.73.
- 100 b. No zoning permit may be granted without a level two right-of-way access plan approved under  
101 HCC Chapter 21.73. (Ord. 08-29, 2008).
- 102
- 103 21.30.060 Traffic Requirements. A conditional use permit is required for every use that is  
104 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.  
105 (Ord. 08-29, 2008).
- 106
- 107 21.30.070 Site Development Requirements. a. All site development shall conform to the level  
108 two site development standards contained in HCC § 21.50.030.
- 109 b. Point source discharges to a waterway shall be in conformance with the Alaska Department of  
110 Environmental Conservation regulations. (Ord. 08-29, 2008).
- 111
- 112 21.30.080 Nuisance Standards. The nuisance standards of HCC § 21.59.010 apply to all  
113 development, uses, and structures in this zoning district. (Ord. 08-29, 2008).
- 114
- 115 21.30.090. Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all  
116 development, uses, and structures in this zoning district. (Ord. 08-29, 2008).



1 **November 29, 2012 Draft**

2 **Chapter 21.28 MC Marine Commercial District**

3 Sections:

- 4  
5 21.28.010 Purpose.  
6 21.28.020 Permitted uses and structures.  
7 21.28.030 Conditional uses and structures.  
8 21.28.040 Dimensional requirements.  
9 21.28.050 Site and access plan.  
10 21.28.060 Traffic requirements.  
11 21.28.070 Site development requirements.  
12 21.28.080 Nuisance standards.  
13 21.28.090 Lighting standards.

14  
15 21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related  
16 and water-dependent uses and the business and commercial uses that serve and support them,  
17 including but not limited to fishing, marine transportation, off-shore energy development,  
18 recreation and tourism. It is recognized that unique natural features of Homer's marine  
19 environment contribute significantly to the economic and social environments, therefore  
20 performance standards are required to minimize the impact of development on the natural  
21 features on which they depend. (Ord. 08-29, 2008).

22  
23 21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine  
24 Commercial District, except when such use requires a conditional use permit by reason of size,  
25 traffic volumes, or other reasons set forth in this chapter:

- 26 a. ~~Boat charter offices;~~ Tourism related charter offices such as fishing, flightseeing, day  
27 excursions and boat charters  
28 b. ~~Marine equipment sales, rentals, service, repair and storage and parts sales and services;~~  
29 c. ~~Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;~~  
30 d. Business offices for water-dependent and water related activities such as fish brokers, off-  
31 shore oil and gas service companies, and stevedores;  
32 e. Customary accessory uses that are clearly subordinate to the main use of the lot or building  
33 such as piers or wharves, provided that separate permits shall not be issued for the construction  
34 of an accessory structure prior to that of the main structure;  
35 f. Mobile food services;  
36 g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
37 this zoning district;  
38 h. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.  
39 i. As an accessory use, one small wind energy system per lot. (Ord. 09-34(A) §18 (part), 2009;  
40 Ord. 08-29, 2008).

41 j. Restaurants

42 k. Cold-storage facilities

43 | l. Campgrounds

44 | m. Manufacturing, processing, cooking, and packing of seafood products

45 | o. Caretaker, business owner or employee as an accessory use to a primary use. The  
46 | accommodations must be 50% or less of the building area, and intended use by the occupant for  
47 | more than 30 consecutive days.

48 | p. Lodging as an accessory use, occupying no more than 50% of the floor area of the building.

49 | q. Parks

50 |  
51 | 21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine  
52 | Commercial District when authorized by conditional use permit issued in accordance with HCC  
53 | Chapter 21.71:

54 | ~~a. Restaurants and drinking establishments; ( reminder: restaurants allowed outright, drinking~~  
55 | ~~establishments are conditional)~~

56 | ~~b. Cold storage facilities;(Allow outright)~~

57 | ~~eb. Public utility facilities and structures;~~

58 | ~~d. Dredge and fill when required for construction or maintenance of a structure devoted to one or~~  
59 | ~~more uses that are permitted or conditionally permitted in this district;~~

60 | ~~ec. Wholesale outlets for marine products;~~

61 | ~~fd. Pipelines and railroads;~~

62 | ~~ge. Heliports;~~

63 | ~~hf. Hotels and motels;~~

64 | g. Lodging

65 | i. More than one building containing a permitted principal use on a lot.

66 | j. Planned unit developments, limited to water-dependent and water-related uses; ~~No dwelling~~  
67 | units other than caretakers

68 | k. Indoor recreational facilities;

69 | l. Outdoor recreational facilities;

70 | m. Campgrounds;(Allow outright)

71 | ~~n. Manufacturing, processing, cooking, and packing of seafood products.(Allow outright)~~

72 | ~~o. Other similar uses, if approved after a public hearing by the Planning Commission, including~~  
73 | ~~but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020~~  
74 | ~~and 21.30.030, provided the commission finds the use meets the following standards and~~  
75 | ~~requirements:~~

76 | ~~1. The proposed use is compatible with the purpose of the Marine Commercial District,~~

77 | ~~2. The proposed use is compatible with the land use development plan for the Homer Spit and~~  
78 | ~~the Comprehensive Plan;~~

79 | ~~3. Public facilities and services are adequate to serve the proposed use, and,~~

80 | ~~4. If City owned land, the Port and Harbor Commission, after a public hearing, has made a~~

81 | ~~written recommendation to the Planning Commission concerning the proposed use, including~~  
82 | ~~specifically whether conditions (1) through (3) of this subsection are or may, with appropriate~~

83 | ~~conditions, be met by the proposed use. (Ord. 08-29, 2008).~~

84

85

86 21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all  
87 structures and uses in the marine commercial district:

88 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December  
89 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December  
90 12, 2006.

91 b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other  
92 lot boundary lines. Alleys are not subject to a 20 foot setback requirement.

93 c. The maximum building height is 35 feet.

94 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor  
95 shall any lot contain building area in excess of 30 percent of the lot area without an approved  
96 conditional use permit.

97 Building Area and Dimensions - Retail and Wholesale.

98 1. The floor area of retail and wholesale business uses within a single building shall not exceed  
99 25,000 square feet.

100 2. In no event may a conditional use permit, Planned Unit Development, or variance be granted  
101 that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming  
102 use or structure may be expanded in any manner that would increase its nonconformance with  
103 the limits of subparagraph (e)(1). (Ord. 08-29, 2008).

104 21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine  
105 Commercial District shall not be issued by the City without a level one site plan approved by the  
106 City under HCC Chapter 21.73.

107 b. A zoning permit for any use or structure shall not be issued without a level one right-of-way  
108 access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

109

110 21.28.060 Traffic Requirements. A conditional use permit is required for all uses that are  
111 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.  
112 (Ord. 08-29, 2008).

113

114 21.28.070 Site Development Requirements. All development shall conform to the Site  
115 Development Requirements contained in HCC § 21.50.030 and the following:

116 a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-  
117 owned tidelands.

118 b. The location of buildings and roads shall be planned to minimize alteration to the natural  
119 terrain.

120 c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe  
121 conditions.

122 d. Point source discharges to a waterway shall be in conformance with the Alaska Department of  
123 Environmental Conservation regulations. (Ord. 08-29, 2008).

124

125 21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance  
126 Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

127 21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards  
128 contained in HCC § 21.59.030. (Ord. 08-29, 2008).

129



VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Erickson returned to the table and resumed the Chair.

#### **PENDING BUSINESS**

A. Staff Report PL 12-67, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission had discussion at their work session and provided feedback to staff. They will discuss it further at a future work session.

#### **NEW BUSINESS**

None

#### **INFORMATIONAL MATERIALS**

- A. City Manager's Report from November 26<sup>th</sup> City Council Meeting
- B. Certificate of Appointment for Larry Slone

There were no comments.

#### **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**

Staff wished the Commission happy holidays. Planning Technician Engebretsen noted that she has copies of the sign code for their code books.

#### **COMMENTS OF THE COMMISSION**

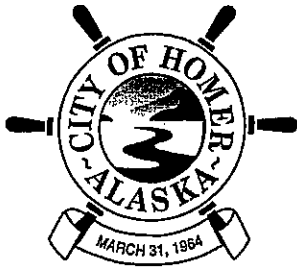
Commissioner Venuti commented that he loves being in charge. He said it was an interesting meeting and he likes the way this group works. He wished everyone a very Merry Christmas.

Commissioner Stead welcomed Mr. Slone and wished everyone Merry Christmas.

Commissioner Highland welcomed Mr. Slone and said Merry Christmas, Happy New Year, and see you next year.

Commissioner Slone thanked everyone who welcomed him.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-59

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** November 7, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.30 Marine Industrial Zoning District

### Review

So far, we have created a draft ordinance for the Marine Commercial District that will go to the City Attorney for review. Now, I would like to review and amend the Marine Industrial District. We will be letting the Marine Commercial Ordinance sit until we have a look at the big picture on the spit and decide if it is appropriate when everything is considered (Marine Industrial Zoning and possible map amendments).

### Introduction

There are several things to consider when proposing a code amendment (change in text of code) or a map amendment (change in the boundaries of a district). Not so long ago we codified standards which we review. So to start our conversation I believe it would be best to review our codified standards of review then our Comprehensive Plan guidance on the subject.

21.95.040 Planning Department review of code amendment. 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.
- b. Will be reasonable to implement and enforce.
- c. Will promote the present and future public health, safety and welfare.
- d. Is consistent with the intent and wording of the other provisions of this title.

21.95.050 Planning Department review of zoning map amendment. 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.
- 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.
- 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.

First things first, compliance with the comprehensive plan:

## **Homer Spit Comprehensive Plan**

### **1.A Industrial Development**

The Spit has great potential for future industrial development related to the fishing, marine, and shipping industries. Key issues include the need to:

- Better utilize the limited land available for industrial and economic development.
- Reserve sufficient land by the Deep Water Dock for future industrial development.
- Encourage development related to the fishing, fish processing, and boating industries.

Future industrial development should be clustered in specific locations as highlighted in the Future Land Use Concept Maps (pages 44-45). However, industrial activities can have deleterious impacts to scenic resources that are valued by the public. Selective screening of industrial land use should be considered where industrial activity takes place adjacent to other existing development and transportation routes. However, care must be exercised to ensure that screening does not then restrict views to scenic resources or limit the public's ability to view areas and enjoy activities that add to the interest of the Spit, such as storage of crab pots.

The existing fish dock, ice plant, and processing plants are key economic generators on the Spit but they are potentially threatened by incompatible land uses. Furthermore, the mix of land uses in the area and the undefined circulation sometimes creates hazards to pedestrians and others that pass through. The public needs to be aware there are hazards in the area; signage can be used to discourage foot traffic. This area requires attention to provide for separation of uses and reservation of land for future industrial development.

The area east of the harbor basin by the Deep Water Dock is a bright spot in industrial activity on the Spit and receives high use. However, competing uses and traffic patterns may encroach into the activity in this area and create safety hazards in the future.

Finally, creep of commercial land uses into an industrial area should be avoided because it reduces future options for marine industrial uses and harbor facilities. Marine industrial and transportation are strategically important long term-uses, and commercial activity should be located so that future opportunities are preserved. A related issue that is sometimes difficult to address is the issue of how to regulate commercial versus industrial development. More definition is needed with respect to commercial use to address the character of commercial development as it has occurred on the Spit.

### **Goals for Economic Development:**

3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit. A land use plan and map have been prepared to present recommendations (Maps 4-6, pages 44-46) supporting the goals outlined in this chapter. The plan does not make sweeping changes to the existing development pattern or use of the Spit. It does address future use of underutilized property, designates specific areas for economic development, and provides for reorganization of land use to create a community park and gathering place.

### **Implementation Items**

- Address screening of dumpsters/noxious facilities.
- Address standards for screening of industrial development with view protection.
- Explore industrial subdivision standards.
  
- Submit draft ordinance to Planning Commission and City Council.
- Consider zero lot line construction and the amount of right-of-way realistically needed to support specific uses at build-out.

### **Revision Considerations**

General theory of amending this zoning district – cluster industrial activities together. While Marine Commercial can be more inclusive of commercial and industrial activities, the Marine Industrial District should be more exclusively reserved for industrial activity.

#### 21.30.020 Permitted

(f) Marine equipment sales, rentals, service, repair and storage.

- I checked for consistency with the MC district and it is comparable to “Marine equipment parts sales and service”. In consideration of the theory above, I believe that we should consider replacing MI language into MC.

(i) Other similar uses ....

-I find this inappropriate for the same reasons as stated for removal in MC.

(o) Caretaker...

-recommend same language as found in MC

#### 21.30.030 Conditional Uses

(e) Restaurants and drinking establishments

-consider for removal and possible addition of restaurants only as an accessory use

(g) Caretaker's....

-moved to permitted and mirror language found in MC

**(h) Heliports**

-do not believe this is practical, but might be worth discussion

**(j) More than one building containing a principle permitted use**

-consider moving to permitted and rely on other triggers for conditional use permits on the spit

**(l,m) Indoor and outdoor recreational**

-in consideration of the sentiment for these activities should we expand to performing arts/theater or something similar?

**21.30.040 Dimensional requirements**

**(d) 70% of lot coverage for conditional use permit**

-most all examples from districts such as these set the CUP threshold at 70-80 percent

**Next Steps**

Gain consensus on revision to code and bring back for further review in light of input suggestions.

**Attachments**

1. Marine Industrial Draft Ordinance - 11.1.2012 draft
2. Marine Commercial Sept 12 Draft Ordinance

**Also please bring/reference your Zoning map, and Homer Spit Comprehensive plan. If you don't have these documents please contact me!**

# Chapter 21.30 MI Marine Industrial District

## 11.1.2012

### Sections:

- 21.30.010 Purpose.
- 21.30.020 Permitted uses and structures.
- 21.30.030 Conditional uses and structures.
- 21.30.040 Dimensional requirements.
- 21.30.050 Site and access plan.
- 21.30.060 Traffic requirements.
- 21.30.070 Site development requirements.
- 21.30.080 Nuisance standards.
- 21.30.090 Lighting standards.

21.30.010 Purpose. The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism; giving priority to those water-dependent uses over other industrial, commercial and recreational uses. (Ord. 08-29, 2008).

21.30.020 Permitted uses and structures. The following uses are permitted outright in the Marine Industrial 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. Port and harbor facilities;
- b. Manufacturing, processing and packing of sea products;
- c. Cold-storage;
- d. Dry docks;
- e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
- f. Marine equipment sales, rentals, service, repair and storage.
- g. Boat launching or moorage facilities, marinas, boat charter services;
- h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or off-loaded from a marine vessel and awaiting immediate pickup by land-based transportation;
- ~~i. Other similar uses, if approved after a public hearing by the Commission, including but not limited to those uses authorized in the Marine Commercial District under HCC §§ 21.28.020 and 21.28.030, provided the Commission finds the use meets the following standards and requirements:~~

- ~~1. The proposed use is compatible with the purpose of Marine Industrial District or provides a necessary service to water-dependent industry;~~
- ~~2. The proposed use is compatible with land use development plans for the Homer Spit and the~~

- 39 comprehensive plan;  
40 ~~3. Public facilities and services are adequate to serve the proposed use, and~~  
41 ~~4. The Port and Harbor Commission, after a public hearing, has made a written recommendation~~  
42 ~~to the Commission concerning the proposed use, including specifically whether conditions (1)~~  
43 ~~through (3) of this subsection are or may, with appropriate conditions, be met by the proposed~~  
44 ~~use;~~  
45 j. Mobile food services;  
46 k. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
47 this zoning district;  
48 l. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.  
49 **o. Caretaker, business owner or employee as an accessory use to a primary use. The**  
50 **accommodations must be 50% or less of the building area, and intended use by the**  
51 **occupant for more than 30 consecutive days.**

52

53

54

55 21.30.030 Conditional uses and structures. The following uses may be permitted in the Marine  
56 Industrial District when authorized by conditional use permit issued in accordance with HCC  
57 Chapter 21.71:

- 58 a. Planned unit development, limited to water-dependent or water-related uses and excluding all  
59 dwellings;  
60 b. Boat sales, rentals, service, repair and storage, and boat manufacturing;  
61 ~~e. Restaurants and drinking establishments; accessory use??~~  
62 d. Extractive enterprises related to other uses permitted in the district;  
63 e. Campgrounds;  
64 f. Bulk petroleum storage;  
65 ~~g. Caretaker's residence as an accessory to a permitted or conditionally permitted use; permit~~  
66 ~~outright~~  
67 ~~h. Heliports;~~  
68 i. Pipelines and railroads;  
69 j. More than one building containing a permitted principal use on a lot. **permit outright**  
70 k. Permitted uses that exceed 100 vehicles during peak hour or more than 500 vehicles per day  
71 based on the proposed land use and density, calculated utilizing the Trip Generation Manual,  
72 Institute of Traffic Engineers, most current edition;  
73 l. Indoor recreational facilities;  
74 m. Outdoor recreational facilities. **indoor/outdoor performing arts/theater facilities?**

75

76 21.30.040 Dimensional requirements. a. Lot Size. The minimum lot size is 6,000 square feet.

77 b. Setbacks.

- 78 1. *All buildings shall be set back 20 feet from all dedicated rights-of-way.* Alleys are not subject  
79 to a 20 foot setback requirement. The setback requirements from any lot line abutting an alley



80 will be determined by the dimensional requirements of subparagraph (2) below.  
81 2. Buildings shall be set back five feet from all other lot boundary lot lines unless adequate  
82 firewalls are provided and adequate access to the rear of the building is otherwise provided (e.g.,  
83 alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.  
84 c. Building Height.  
85 1. The maximum building height shall be thirty-five feet.  
86 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor  
87 shall any lot contain building area in excess of ~~30~~ 70 percent of the lot area without an approved  
88 conditional use permit.  
89 e. Building Area and Dimensions - Retail and Wholesale.  
90 1. The total square feet floor area of retail and wholesale business uses within a single building  
91 shall not exceed 25,000 square feet.  
92 2. In no event may a conditional use permit or variance be granted that would allow a building to  
93 exceed the limits of subparagraph (d)(1) and no nonconforming use or structure may be  
94 expanded in any manner that would increase its nonconformance with the limits of subparagraph  
95 (d)(1). (Ord. 08-29, 2008; Ord. 08-27(S)§1, part, 2008).  
96  
97 21.30.050 Site and access plan. a. A zoning permit for a building or structure within the Marine  
98 Industrial District shall not be issued by the City without a level two site plan approved under  
99 HCC Chapter 21.73.  
100 b. No zoning permit may be granted without a level two right-of-way access plan approved under  
101 HCC Chapter 21.73. (Ord. 08-29, 2008).  
102  
103 21.30.060 Traffic Requirements. A conditional use permit is required for every use that is  
104 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.  
105 (Ord. 08-29, 2008).  
106  
107 21.30.070 Site Development Requirements. a. All site development shall conform to the level  
108 two site development standards contained in HCC § 21.50.030.  
109 b. Point source discharges to a waterway shall be in conformance with the Alaska Department of  
110 Environmental Conservation regulations. (Ord. 08-29, 2008).  
111  
112 21.30.080 Nuisance Standards. The nuisance standards of HCC § 21.59.010 apply to all  
113 development, uses, and structures in this zoning district. (Ord. 08-29, 2008).  
114  
115 21.30.090. Lighting Standards. The level one lighting standards of HCC § 21.59.030 apply to all  
116 development, uses, and structures in this zoning district. (Ord. 08-29, 2008).

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HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 7, 2012

Postponed under agenda approval.

B. Staff Report PL 12-61 Baycrest Subdivision 2012 Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant presentation and no public comments.

VENUTI/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 12-61 BAYCREST SUBDIVISION 2012 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS 1 AND 2.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**PENDING BUSINESS**

**NEW BUSINESS**

A. Staff Report PL 12-59 Marine Industrial Zoning

Chair Erickson explained that the Commission discussed Marine Industrial Zoning during the worksession and provided information to staff to bring back at another worksession.

B. Staff Report PL 12-62 HAPC 2013 Meeting Schedule

The Commission discussed the meeting schedule and considered the possibility of eliminating the January 2, 2013 regular meeting.

HIGHLAND/VENUTI MOVED TO ADOPT THE 2013 MEETING SCHEDULE AS OUTLINED IN THE DRAFT RESOLUTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**INFORMATIONAL MATERIALS**

- A. City Manager's Report
- B. Thank you letter for removing dilapidated buildings on East End Road 10/5/12
- C. Thank you letter for installing erosion and sediment control measures on Hillside Place
- D. Staff Report PL 12-63 Lighting Standards





# City of Homer

## Planning & Zoning

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**TO:** Port and Harbor Advisory Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** September 20, 2012  
**SUBJECT:** Marine Commercial Zoning District

### Requested Action

The Commission and staff requests any comments from the Port and Harbor Advisory Commission on allowing "Lodging" on the Spit in the Marine Commercial District.

### Introduction

The Homer Advisory Planning Commission has been reviewing the Marine Commercial Zoning District, as part of the implementation of the Homer Spit Comprehensive Plan. Over the past few months, the Commission has been focused on how to regulate the nightly rentals, generally above shops. These are currently not allowed by the zoning code in the district. A representative from the State Fire Marshal Office made a presentation to the Commission over the summer on how the fire marshal regulates these types of buildings. The Commission and staff learned that who stays there, and how long, affects how strict the rules are. An owner occupied room has very few rules; a nightly rental for the general public has a lot more safety rules. Living somewhere 30 days means someone is more familiar with the building and surroundings and could more easily get out of the building in case of emergency. Shorter term stays means the occupant is less familiar and at more risk in case of emergency.

In August, letters were mailed to Spit property owners inviting them to share their ideas with the Commission. Two meetings were held, and attended by business owners and interested citizens. With comments provided by citizens, the Commission has reached consensus that overnight rentals should be allowed, and employee/business owners/caretakers quarters should also be allowed. Attached is the most recent staff report and version of the draft ordinance. The Commission will probably review the ordinance a few more times, and then move it to public hearing.

### New Code Language

#### New Definition:

"Lodging" means a building, portion of a building, or group of buildings, containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals. Lodging is not a hotel, motel, bed and breakfast, rooming house or hostel.

#### Three concepts in the 9/12 draft ordinance:

1. Caretaker/employee/employer quarters for occupancy more than 30 days, limited to 50% or less of the floor area (permitted use). This allows for some housing, but limits the size of the unit to something smaller than the main commercial use of the building.
2. Lodging as an accessory use, limited to 50% or less of floor area, (permitted use)

3. Lodging as a primary use (Conditional Use). This allows an empty or boarded up building to be used solely for lodging. This is something that citizens and the Commission do not want to see often, but lodging is preferable to a boarded up building.

**Requested Action**

The Commission and staff requests any comments from the Port and Harbor Advisory Commission on allowing "Lodging" on the Spit in the Marine Commercial District.

**Attachments**

Staff Report PL 12-51

September 12, 2012 Draft Ordinance



**City of Homer**  
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**STAFF REPORT PL 12-51**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** September 19, 2012  
**SUBJECT:** Marine Commercial Zoning District

**Requested Action:**

**This staff report will wrap up conversation on overnight accommodations, and begin discussion on the next topic: dimensional requirements.**

**Introduction**

The Commission has been discussing possible code solutions for the overnight accommodations found on the Spit. At the last two work sessions, the Commission listened to comments from Spit business owners, and interested citizens. The comments were in favor of allowing 50% of a building to be used for overnight accommodations. There was some concern about allowing all of a boardwalk building to become lodging; it might detract from the mix of land uses that makes the Spit so interesting. On the other hand, if the choices are boarded up vacant buildings, or overnight rentals, rentals might be preferable to empty storefronts.

**Proposed Lodging Solution**

Lines 45-48, and line 63, are possible code changes. Staff also suggested using the term "lodging" rather than "accessory lodging," to follow the grammar generally found in our code. We will be working with the City Attorney at some point on the exact legalese.

**New Definition:**

"Lodging" means a building, portion of a building, or group of buildings, containing five (5) or fewer guest rooms used for the purpose of offering public lodging on a day-to-day basis with or without meals. Lodging is not a hotel, motel, bed and breakfast, rooming house or hostel.

**Three concepts in the 9/12 draft ordinance;**

1. Caretaker/employee/employer quarters for occupancy more than 30 days, limited to 50% or less of the floor area (permitted use)
2. Lodging as an accessory use, limited to 50% or less of floor area, (permitted use)
3. Lodging as a primary use (Conditional Use)

**Enforcement:** If someone converts an upstairs space into lodging, under city and state law, a fire marshal review is required. The zoning code requires a zoning permit for this change of use. The rules are the same city wide.

**Staff Recommendation:** Discuss the draft code language and make any amendments. If there is consensus with the proposed language, staff will move on to the next section of code.

### **Next Portion of code to work on: Dimensional Requirements.**

#### **Introduction**

Dimensional requirements spell out minimum lot size, the building envelope (setbacks, height, etc), and structure size limits. For example, Home City Code generally states in the business districts that building area over 8,000 square feet, or covering more than 30% of a lot, requires a conditional use permit. Conceptually, this higher level of review via a CUP is required because the bulk/scale/density of the development could impact neighboring properties. The Zoning Code and each Zoning District has a purpose statement. Everything the Commission enacts or approves should follow the concepts set out in these purpose statements.

**HCC 21.01.030 Purpose.** The Homer Zoning Code is adopted as one means of implementing of the general goals and policies of the Homer Comprehensive Plan. Its purpose is to enhance the public health, safety and welfare through land use regulations to:

- a. Designate, regulate and restrict the location and use of buildings, structures and land;
- b. Regulate the height, number of stories, and size of buildings and other characteristics of structures;
- c. Regulate and determine the size of yards and other open spaces;
- d. Regulate and limit the density of population;
- e. Conserve and stabilize the value of property;
- f. Provide adequate open spaces for light and air; and to prevent and fight fires;
- g. Prevent undue concentration of population;
- h. Lessen congestion on streets and highways;
- i. Preserve and enhance the aesthetic environment of the community;
- j. Promote health, safety and general welfare.

#### **Purpose of the Marine Commercial District**

**HCC 21.28.010 Purpose.** The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments, therefore performance standards are required to minimize the impact of development on the natural features on which they depend. (Ord. 08-29, 2008).

When a developer applies for a conditional use permit, these are the ideas that the proposal is compared to. The Commission's findings relate to the overall purpose of the zoning code, and to the purpose statement of the zoning district. It is helpful to keep the purpose statements in mind as we discuss the dimensional requirements in the Marine Commercial district. The Spit is a unique place for many reasons; its zoning may be different than the rest of the city.



### **Setback Requirements in Marine Commercial**

There have been several conditional use permits in the last few years where the setback rules have been relaxed through the planned unit development (PUD) process. Generally speaking, buildings continue to meet the setback requirements, but walkways, boardwalks stairs and ramps have been allowed to be within the setback requirement.

Rather than requiring the use of the PUD process, staff recommends that certain structures, like stairs and boardwalks, be allowed in a setback with a conditional use permit. PUD's are somewhat complicated and require more work of the applicant, staff, and of the Commission. They are not a good way to regulate the setback exceptions we have been seeing. If the City is going to allow setback exceptions along rights of way, code should clearly state the process for that.

### **Analysis**

Staff recommends amending the setback requirements, to allow structures within that area. The Central Business District allows building within the setback from a right of way, with a conditional use permit. Staff recommends the same language for the Marine Commercial District.

### **Current Setback Code Excerpt with proposed amendment:**

21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all structures and uses in the marine commercial district:

b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other lot boundary lines. Alleys are not subject to a 20 foot setback requirement. **If approved by a conditional use permit, the setback from a dedicated right-of-way, may be reduced.**

### **Conclusion**

The proposed amendment would allow an applicant to apply for a conditional use permit to have a structure in a setback from a right of way. This would be a more clear public process than using a PUD mechanism.

### **Staff Recommendation**

Planning Commission

1. Reach consensus lines 45-48, and 63 of the draft ordinance (lodging)
2. Begin discussion on setback exceptions. Staff can research questions and ideas for the October meetings.

### **Attachments**

September 12, 2012 Draft Ordinance



1 **September 12, 2012 Draft**

2 **Chapter 21.28 MC Marine Commercial District**

3 Sections:

- 4  
5 21.28.010 Purpose.  
6 21.28.020 Permitted uses and structures.  
7 21.28.030 Conditional uses and structures.  
8 21.28.040 Dimensional requirements.  
9 21.28.050 Site and access plan.  
10 21.28.060 Traffic requirements.  
11 21.28.070 Site development requirements.  
12 21.28.080 Nuisance standards.  
13 21.28.090 Lighting standards.

14  
15 21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related  
16 and water-dependent uses and the business and commercial uses that serve and support them,  
17 including but not limited to fishing, marine transportation, off-shore energy development,  
18 recreation and tourism. It is recognized that unique natural features of Homer's marine  
19 environment contribute significantly to the economic and social environments, therefore  
20 performance standards are required to minimize the impact of development on the natural  
21 features on which they depend. (Ord. 08-29, 2008).

22  
23 21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine  
24 Commercial District, except when such use requires a conditional use permit by reason of size,  
25 traffic volumes, or other reasons set forth in this chapter:

- 26 ~~a. Boat charter offices;~~ Tourism related charter offices such as fishing, flightseeing, day  
27 excursions and boat charters  
28 b. Marine equipment and parts sales and services;  
29 c. ~~Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;~~  
30 d. Business offices for water-dependent and water related activities such as fish brokers, off-  
31 shore oil and gas service companies, and stevedores;  
32 e. Customary accessory uses that are clearly subordinate to the main use of the lot or building  
33 such as piers or wharves, provided that separate permits shall not be issued for the construction  
34 of an accessory structure prior to that of the main structure;  
35 f. Mobile food services;  
36 g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
37 this zoning district;  
38 h. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.  
39 i. As an accessory use, one small wind energy system per lot.(Ord. 09-34(A) §18 (part), 2009;  
40 Ord. 08-29, 2008).

41 j. Restaurants

42 k. Cold-storage facilities

43 l. Campgrounds

44 m. Manufacturing, processing, cooking, and packing of seafood products

45 o. Caretaker, business owner or employee as an accessory use to a primary use. The  
46 accommodations must be 50% or less of the building area, and intended use by the occupant for  
47 more than 30 consecutive days.

48 p. Lodging as an accessory use, occupying no more than 50% of the floor area of the building.

49  
50 21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine  
51 Commercial District when authorized by conditional use permit issued in accordance with HCC  
52 Chapter 21.71:

53 ~~a. Restaurants and drinking establishments; ( reminder: restaurants allowed outright, drinking~~  
54 ~~establishments are conditional)~~

55 ~~b. Cold storage facilities;(Allow outright)~~

56 ~~eb. Public utility facilities and structures;~~

57 ~~d. Dredge and fill when required for construction or maintenance of a structure devoted to one or~~  
58 ~~more uses that are permitted or conditionally permitted in this district;~~

59 ~~ec. Wholesale outlets for marine products;~~

60 ~~fd. Pipelines and railroads;~~

61 ~~ge. Heliports;~~

62 ~~hf. Hotels and motels;~~

63 g. Lodging

64 i. More than one building containing a permitted principal use on a lot.

65 j. Planned unit developments, limited to water-dependent and water-related uses; No dwelling  
66 units other than caretakers

67 k. Indoor recreational facilities;

68 l. Outdoor recreational facilities;

69 m. Campgrounds;(Allow outright)

70 n. Manufacturing, processing, cooking, and packing of seafood products.(Allow outright)

71 o. Other similar uses, if approved after a public hearing by the Planning Commission, including  
72 but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020  
73 and 21.30.030, provided the commission finds the use meets the following standards and  
74 requirements:

75 1. The proposed use is compatible with the purpose of the Marine Commercial District,

76 2. The proposed use is compatible with the land use development plan for the Homer Spit and  
77 the Comprehensive Plan,

78 3. Public facilities and services are adequate to serve the proposed use, and,

79 4. If City owned land, the Port and Harbor Commission, after a public hearing, has made a  
80 written recommendation to the Planning Commission concerning the proposed use, including  
81 specifically whether conditions (1) through (3) of this subsection are or may, with appropriate  
82 conditions, be met by the proposed use. (Ord. 08-29, 2008).

83

84

85 21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all  
86 structures and uses in the marine commercial district:

87 a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December  
88 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December  
89 12, 2006.

90 b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other  
91 lot boundary lines. Alleys are not subject to a 20 foot setback requirement.

92 c. The maximum building height is 35 feet.

93 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor  
94 shall any lot contain building area in excess of 30 percent of the lot area without an approved  
95 conditional use permit.

96 Building Area and Dimensions - Retail and Wholesale.

97 1. The floor area of retail and wholesale business uses within a single building shall not exceed  
98 25,000 square feet.

99 2. In no event may a conditional use permit, Planned Unit Development, or variance be granted  
100 that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming  
101 use or structure may be expanded in any manner that would increase its nonconformance with  
102 the limits of subparagraph (e)(1). (Ord. 08-29, 2008).

103 21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine  
104 Commercial District shall not be issued by the City without a level one site plan approved by the  
105 City under HCC Chapter 21.73.

106 b. A zoning permit for any use or structure shall not be issued without a level one right-of-way  
107 access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

108

109 21.28.060 Traffic Requirements. A conditional use permit is required for all uses that are  
110 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.  
111 (Ord. 08-29, 2008).

112

113 21.28.070 Site Development Requirements. All development shall conform to the Site  
114 Development Requirements contained in HCC § 21.50.030 and the following:

115 a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-  
116 owned tidelands.

117 b. The location of buildings and roads shall be planned to minimize alteration to the natural  
118 terrain.

119 c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe  
120 conditions.

121 d. Point source discharges to a waterway shall be in conformance with the Alaska Department of  
122 Environmental Conservation regulations. (Ord. 08-29, 2008).

123

124 21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance  
125 Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

126 21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards  
127 contained in HCC § 21.59.030. (Ord. 08-29, 2008).

128

been shown to slow down traffic in cities that have had a surge of infilling and population where there wasn't more planned pathways. It has become a concern with all the activity from the Islands and Ocean Visitor Center and Two Sister's. Ms. Allen provided photos for the Commission to look at and commented about the street paintings that have provided a great visual introduction for Old Town, and for those concerned about where this project is going. When working on the street paintings people were slowing down and asking questions, and it was a real positive experience for this introductory project. They are hoping to have more painting, but the next "to do" on the list is gaining recreational easements from 9 property owners between Bunnell and Two Sisters, which is where they want to put the "green pathway" or at least plant some edible trees and bushes. That is what they are calling the People's Garden and it becomes a corridor for pedestrians and makes Old Town attractive. Ms. Allen said she has talked to 8 of the 9 property owners and while they have their individual concerns, they are waiting with open minds to hear more. To get the recreation easements, property owners need to see what they are signing up for. Dutch Boy Landscaping has volunteered to put together a concept map after walking the area with them, and she can take it to land owners to get feed back. If they don't get all 9 easements, they will work with what the do get. Ms. Freeman noted that this area has the same predicament as the spit and they may need to work with the City to establish a pedestrian zone in this area as well. Once a pedestrian zone is established they envision landscaping would envelop it, and with private grants add benches, planters, and some lighting to frame it.

In response to questions Ms. Allen and Ms. Freeman commented they worked with Public Works, DOT, and the City Manager's office to do the paintings on the street. They recognize that there will be seasonal upkeep on the paintings and plan to follow through as needed.

## REPORTS

- A. Staff Report PL 12-52, City Planner's Report

City Planner Abboud reviewed the staff report.

## PUBLIC HEARINGS

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

None

## PLAT CONSIDERATION

None

## PENDING BUSINESS

- A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

Chair Erickson reviewed the discussion points from the worksession as follows:

- Using term "lodging" and accepting the new definition and the 3 concepts of the 9/12 draft ordinance for occupancy.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 19, 2012

- Considered on page 21, approving by CUP the setback from dedicated right-of-way may be reduced and allowing staff to have the flexibility to deal with the CUP's.

City Planner Abboud said the Port and Harbor Commission will be seeing this at their next meeting and he will bring any feedback they might have regarding information in the draft ordinance.

**B. Staff Report PL 12-49, Pier 1 Land Use**

Chair Erickson expressed appreciation for Lance Peterson's feedback at the worksession regarding criteria for non profit consideration. She thinks it would be good to adopt some kind of criteria for dealing with non profits.

Commissioner Venuti expressed agreement with marking the access road better to the area. He added that there shouldn't be any permanent improvements regarding the kayak launch. Kayaks can be launched anywhere in that area and as opportunities come forward the launch location may need to be relocated.

Commissioner Stead commented regarding non profits, and when reviewing leasing criteria, it is important to be cognizant that non profits can make money and can provide for leases for their facilities. It happens all the time. An example of something that could occur out there and pay its way is a school. The North House Folk School in Grand Marais, MN is a school on public leased property and provides for a lot of different entities to have access to the harbor. It is a non profit that makes money and brings a lot of people to Grand Marais. There are other possibilities than just what we are talking about and he encouraged them to think even broader. He reiterated that non profits need to pay their way.

Discussion ensued regarding the lease policies, current uses on the lot, and concerns in effective dealings with non profits.

**NEW BUSINESS**

None

**INFORMATIONAL MATERIALS**

**A. City Manager's Report dated September 10, 2012**

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

None

**COMMENTS OF STAFF**

Deputy City Clerk Jacobsen commented that invitations have been sent out for the Volunteer Appreciation party on October 5.

**COMMENTS OF THE COMMISSION**





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-43

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** August 15, 2012, Sep 5, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

### Introduction

Staff has mailed a flier to Spit businesses, leaseholders and property owners (attached). At the August 15<sup>th</sup> and September 5<sup>th</sup> work sessions, citizens are invited to talk with the Commission about the proposed "accessory lodging" definition and regulations.

### Discussion

Currently, a provision exists to allow a motel (defined as 6 or more guest rooms) to gain approval with a CUP on the Spit. Several lodging operations have been operating with less than 6 rooms. Since code contains no definition for this activity, it is implied that it is not allowed. Throughout the Spit comprehensive plan public process, the subject received mixed comments with most not wishing for their elimination. The Planning Office needs guidance on how such an activity might be regulated or if it should be prohibited. To allow this activity we need a definition and a few regulations and would like to hear from spit businesses and interested citizens on the draft proposal below.

### Proposed regulation for accessory lodging

*As a conditional use:*

"Accessory Lodging" means a building or a portion of a building containing no more than five guest rooms provided for compensation on a less than monthly basis. No more than 50% of the building may be used for accommodations.

- A conditional use allows the Commission to individually review proposals on a per-lot basis and consider each site independently and formulate appropriate conditions for such use.
- All uses are subject to any applicable local, state or federal regulation, which includes Fire Marshall Review.

Additionally it is proposed that caretakers, business owners and employees would also be allowed to live in rooms above shops, through a conditional use permit.

**Staff Recommendation:** Planning Commission take public comments about the proposed regulations.

### Attachments

1. Revised memo to Port and Harbor Commission RE: Fire Marshal regulations
2. July 10 draft ordinance
3. Meeting invitation



# City of Homer

## Planning & Zoning

491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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E-mail [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
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## You're invited!

- Who:** Spit business and property owners, interested citizens
- What:** Meeting to discuss regulations for accessory lodging units on the Spit
- When:** August 15<sup>th</sup> and September 5<sup>th</sup>, 2012, 5:30-6:20 pm
- Where:** Homer City Hall Council Chambers, 491 E Pioneer Ave
- Why:** The Planning Commission is revising the Marine Commercial zoning code. The Commission invites you to provide input on these longstanding rental units that are generally not legal within the zoning code. There is a new draft definition and proposed regulation for these units ("Accessory Lodging") but its very early in the public process. Tell us what you think!

### What is the proposed regulation?

Through a conditional use permit, lodging for business/building owners, employees, caretakers and nightly customers would be allowed. Only 50% of the building could be used for these purposes; the rest must be used for commercial activity. These rules would apply to buildings with 5 or fewer guest rooms. 6 or more rental rooms is a hotel and has a separate (more strict) set of rules.

### Why has this come up?

The 2011 Spit Comprehensive Plan suggests a review of the zoning code. Our 20 year old zoning code has some catching up to do! The Commission is reviewing the whole Marine Commercial zoning code, but right now is focusing on this issue of rental units. The Commission values your input in the early stages of this process!

### What's next?

The Commission will listen to your comments and keep them in mind when reviewing the proposed regulation. Eventually, these and any other changes will go to public hearing, both at the Commission and City Council levels.

### How can I stay involved?

Subscribe to updates on our website! Visit [www.cityofhomer-ak.gov/planning](http://www.cityofhomer-ak.gov/planning), and subscribe to planning department web updates. You can fax comments to 907-235-3119, or email to [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us).

### Who can I talk to for more information?

Contact Rick Abboud, City Planner or Julie Engebretsen, Planning Technician at 235-3106.



Where the Land Ends and the Sea Begins

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2012

Chair Erickson opened the public hearing. There were no public comments and the hearing was closed.

In response to questions, Ms. Converse said the foot traffic has increased with the new trail and she got an email from someone who walked it with a stroller and was very happy with the trail. They are removing the easement at the request of the surveyor. They didn't request removing the one to the south because they may want to use it in the future to connect to Pioneer. There was some discussion of the layout of the trail in relation to the easement, but with out the surveyor in attendance Ms. Converse was unable to respond to the questions raised.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT PL 12-48, VACATION OF A PUBLIC TRAIL EASEMENT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PLAT CONSIDERATION**

A. Staff Report PL 12-47, Pratt Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report.

Ms. Converse commented that they are combining the pieces to deal with their building project. She has talked with Julie regarding the process to do a zoning change. She doesn't anticipate any issues with the utility easement.

There were no public comments.

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 12-47 PRATT SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

Comment was made that this is a good idea.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PENDING BUSINESS**

A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

City Planner Abboud reviewed the information for the overnight accommodations as he understood it from the testimony. Staff will bring back some dimensional requirements information and continue working forward. They aren't in a big rush right now.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2012

Commissioner Venuti asked how staff will handle the people who have been doing it for years. City Planner Abboud said they are working through the process and gotten the word out there. Just because it has been happening for a long time doesn't make it legal nor does it compel them to enforce every rule. He thinks they have covered 80% or more of the people who are doing it, they have been here at the meetings, they will receive notices of what is happening, and he hopes to provide solutions. Most of the people agreed they want to be in compliance with the Fire Marshall and are aware of insurance concerns.

Chair Erickson commented that between the signs and bags, business owners out there are feeling a little beat up. She would like see them not look back but move forward and look at not starting off with a penalty but encourage them to come along for the next ones after the end of the summer, and anyone from here forward will have to have the proper permitting. We need to be careful with our businesses and do a little bit of good will in the midst of fixing this hole in our code.

Commissioner Dolma disagrees and doesn't believe there is a hole in the code, it wasn't an acceptable use and has been illegal all this time.. He doesn't think following code is onerous on a business. He thinks the Commission is pro business and that is what they are addressing this. It is more pro business to address it in the code rather than a bunch of CUP's. He agrees with the 50% cap but to be the most business friendly, there wouldn't be a cap at all. He agrees that housing could be allowed outright.

Commissioner Highland agreed with the 50% cap as well because the business goes with the accessory lodging.

City Planner Abboud suggested that next they look at the purpose statement of the district to talk about widening views of what we want out there.

#### **NEW BUSINESS**

- A. Staff Report PL 12-49, Pier 1 Land Use

City Planner Abboud reviewed the aerial photo and a concept of the barge haul out facility.

The Commission commented in favor of the concept of the barge haul out. They recognized that it is a facility that could economically benefit the City both for the harbor and for workers needing lodging, food, and other amenities. It appears to be a workable project in that the barge haul out will be operational in the off season, shutting down in the spring as the tourist traffic increases.

#### **INFORMATIONAL MATERIALS**

- A. City Manager's Report dated August 13 and August 27, 2012  
B. Memorandum dated August 15, 2012 from Julie Engebretsen, Planning Technician, regarding Homer Spit Trail and Cruise Ship Improvements  
C. Letter dated August 30, 2012 to Eldeen Jackson from Dotti Harness-Foster, Planning Technician, regarding AA Mattox Sub 1958 Addn No 2, Lot 23  
D. KPB Staff Report dated 8/27/12: WR Bell Subdivision

#### **COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

9/5 WS sign in sheet MC

SEAN MARTIN

NORCO@alaska.net

Terry Unger

Melvin Corda

Bumpy Bremner

Sirius Jones

Wendi Whitby

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
AUGUST 15, 2012

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 12-42, CUP 12-03, A Request for a Conditional Use Permit (CUP) for 4470 Fish Dock Road, Lot 88-3 Homer Spit Subdivision No. 2/Dockside Fisheries

City Planner Abboud explained that there was some missing information regarding this and said it will be re-advertised for next meeting.

**PLAT CONSIDERATION**

**PENDING BUSINESS**

- A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

The Commission discussed the public feedback that they received during the worksession. They expressed their frustration with the animosity that was expressed by the business owners regarding lodging. The folks who commented didn't seem to have a full understanding of what the Commission is considering, and the Commission and staff need to work to find a way to get a better message out. The public doesn't understand that one of the Commission's responsibilities is to look at health and safety for the good of the public that uses the facilities in question. Business owners on the spit want rules for themselves and to let it run itself out there, but there are a lot of other businesses in the City and throughout the state that can't and won't do that, nor are they allowed to. The goal of the amendment for lodging is not a dramatic change; it is an opportunity to classify the lodging use so it can be effectively addressed by staff. They had general discussion on Fire Marshall review, health and safety, and if there are ways to help the public better understand what the Commission is trying to accomplish through this amendment.

**NEW BUSINESS**

None

**INFORMATIONAL MATERIALS**

None

**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**

No

**COMMENTS OF THE COMMISSION**

8/15/2012 HAPC Work Session Sign in Sheet

Name, contact info (email, or preferred contact method)

BILL BEAR LUCKY PIERRE CHARTERS  
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POB 2095 Homer

Mike Yourkowski myalaska@xyz.net

## Shelly Rosencrans

---

**From:** Jim Beckham [JimB@harborent.com]  
**Sent:** Monday, August 13, 2012 3:57 PM  
**To:** Department Planning  
**Subject:** homer spit zoning

i rcvd the notice of public mtg to discuss the changes to the spit zoning code. thank you for sending that along.

my concern has always been as the development on the spit continues and the pressure increases to allow more and more (incompatible) uses of property on the spit, our business will be adversely affected. harbor enterprises inc dba petro marine services and its predecessors have been operating a bulk fuel facility on the spit since the middle of the last century in order to bring fuel to homer and the surrounding community. we operate fuel barges and large, above ground storage tanks. it is a necessary and industrial use, probably one of the very first developments on the spit. there are restaurants, hotels, harbors, condos, campgrounds etc and now proposed "accessory lodging". none of these activities are compatible with the normal course of business conducted at a bulk fuel facility, yet they are practically on our doorstep. we dont mind the orderly development of municipal and private property, as long as permitted uses do not now or in the future restrict our ability to conduct our business and activities associated with our business. thought should be given to limiting encroachment on light and medium industrial activities and providing buffer zones where possible, even planning for future restrictions of presently allowable uses in order to protect each property owner's use.

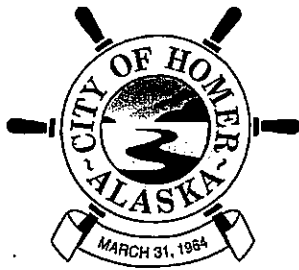
we favor orderly and planned development, yet do not want that allowed development to impact our business should they object in the future to tanks, trucks, late night activity, occasional vapor odors and various other things associated with a tank farm.

sincerely,  
jim

james b. beckham  
vice president, operations  
harbor enterprises inc. dba  
petro marine services/alaska oil sales  
po box 389  
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seward, ak 99664

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# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-40

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** August 1, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

The purpose of this staff report is to share some concepts and definitions.

**Requested Action:** Please discuss the definition and concepts at the end of the staff report.

### Introduction

This staff report addresses two aspects of 'overnight accommodations' on the Spit, specifically the second story rooms above shops.

1. What should we call these overnight accommodations?
2. How to limit the number of rooms and avoid negatively affecting the current mix of businesses?

### Definitions

We discussed how to come up with a definition of these overnight accommodations on the Spit. A room or two above a shop is not technically a hotel, its not a boarding house, or a BnB. How do other communities define this type of accommodation? What are some options?

Note that other city's definitions include the type of resident, and the length of stay as part of the description of the activity. Homer definitions usually don't specify how long guests stay, or the type of guest. That's fine, until we start to describe occupancy in life safety terms (fire marshal). Staff would prefer not to change our existing definitions – we may run in to unintended consequences if we make changes to code that is used city wide.

Also keep in mind that each town has its own set of problems they are trying to address. You can imagine if we lived on the Jersey Shore, we might have more of a problem with party houses and renters in residential neighborhoods, trash, too many parked cars, etc. We're not trying to regulate these issues. But, its common practice to very specifically define and regulate what kind of guest we are talking about on the Spit.

### **Hotel**

#### *Soldotna*

"Hotel" or "Motel" means a building containing 6 or more guestrooms designed for occupancy as a temporary place of abode for individuals who are lodged with or without meals.

*Kenai*

...containing more than 5 guest rooms and used for the purpose of offering public lodging on a day to day basis with or without food.

*Homer*

“Hotel” or “motel” means any building or group of buildings containing six or more guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. “Hotel” or “motel” also means any building or group of buildings containing five or less guest rooms that are used, rented or hired out to be occupied for sleeping purposes by more than fifteen guests. The terms “hotel” and “motel” exclude bed and breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

Staff comment: So a hotel is more than 5 guest rooms, and in Homer, a congregation of more than 15 guests, regardless of room arrangement. Also, these other communities have an adopted building code. It is quite likely the 15 guest limit in Homer’s code matches the state fire marshal regulation. Its an indirect way to make sure people are in compliance...and to help a home owner decide how many rooms and guests they can have before they run into a higher level of regulation.

**Bed and Breakfast**

*Kenai*

“ Bed and Breakfast” means a residential, owner occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

*Homer*

“Bed and breakfast” means a dwelling in which an individual or family resides and rents bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the principal use of the dwelling as the primary residence of the operator. If the dwelling has six or more bedrooms available for rental to overnight guests it is a hotel and not a bed and breakfast.

**Lodge**

*Kenai*

“Lodge” means a building or group of buildings containing five or fewer guest rooms used for the purpose of offering public lodging on a day to day basis with or without meals.

*Soldotna*

“Recreation Lodge” means a building or establishment containing not more than 5 guestrooms where short-term (not to exceed one month) sleeping accommodations and/or meals are provided for compensation, including individual rental cabins.

NOTE – these are not B&B’s. There is no mention of a dwelling unit, or an onsite owner occupant.

Homer – no definition. Its either a hotel, or associated with a dwelling and is therefore a roominghouse or bed and breakfast. We have no definition of room rentals not greater than 6, and not associated with a dwelling.

**Boardinghouse**

*Kenai*

“Boarding house” means a building other than a hotel where lodging, with or without meals, is provided for compensation for three or more persons, on other than day- to day basis and which is not open to transient guests.

Example: College type apartment with lots of people renting a room.

#### *Homer*

“Rooming house” means a dwelling containing not more than five guest rooms that are used, rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not accommodate in excess of 15 guests. A rooming house shall also include any structures associated with the dwelling, such as guest cabins, provided that a conditional use permit was obtained for any associated structures, if a permit is required in order to have more than one building containing a permitted principal use on the lot. "Rooming house" does not include bed and breakfast.

Staff note: the Homer Roominghouse definition is broader than a boarding house. We don't care how long people stay, or if they pay or not.

#### **Possible Homer definition: Please Discuss!**

“Lodge” means a building or a portion of a building containing no more than five guest rooms provided for compensation on a less than monthly basis.

Components in this definition: 1. Less than monthly occupancy. 2. For compensation. 3. Limited number of guestrooms - 5. ...by definition 6 is a hotel....

#### **How to limit the number of rooms**

The simplest way to limit the number of rooms, is limit how much of the building can be used for accommodations. Staff recommends that no more than 50% of the building may be used for accommodations. By regulating a percentage of floor area, it doesn't really matter how big or small the building is, which floor the rooms are on, or how many rooms there are. By physical design, the building will always have 50% or more business activity, and rooms would always be secondary. A lodge, and all residential activity – (caretaker, employee, owner), would be a conditional use, and be limited to 50% of the building area.

#### **Staff Recommendation: Planning Commission discuss**

1. Defining overnight accommodations, with less than 6 units
2. Limiting the use to 50% of the building.

**Staff comment:** Staff would like to have a working definition and basic regulation concept to take to the Port and Harbor Commission, and to contact Spit lease holders and businesses.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-33

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** July 18, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

### Review

At the last meeting, the Commission reviewed the permitted and conditional uses. Staff has updated the draft ordinance with your comments. Diana Parks, Plan Review Bureau Supervisor from the State Fire Marshal Office made a presentation and discussed occupancy types.

### Excerpt from memo to the Port and Harbor Advisory Commission on Diana Parks' presentation:

Fire marshal review is required when a building is remodeled, the use changes, or a zoning permit is required. Ms. Parks relayed the state's willingness to work with property owners to find solutions for buildings that are already constructed. Existing buildings with minor changes can expect common sense regulation; an existing building will not be required to come up to code. If a building is undergoing a major remodel or expansion, the owner can expect they will need to bring their building up to code.

**Occupancy:** the type of use or inhabitant of a structure.

We discussed three types of occupants for rooms above shops. These 'occupancies' are based on how long someone stays in the room (days, a month, all season).

An R1 is an occupant who stays less than 30 days. It could be a tourist renting a room for the night, a weekly rental, or a guy who comes in from a fishing boat and spends the night once in a while. New R1 accommodations must be sprinkled, and have the most rules.

An "R2" is an occupant who rents or lives in the apartment for 30 days or longer. It could be a renter, an employee, etc. There are more rules for an R2 apartment – hand rails, egress, etc.

An "R3" is a personal residence. It's the home, even if its seasonal, of a person that owns the building, or the business below it. The shop keeper who lives upstairs in the summer is an "R3." There is very little regulation from the fire marshal for an R3. As long as there is fire separation, (say extra sheet rock between the shop and the residence), that's about all the Fire Marshal would regulate.

What does all this mean for zoning? It would be nice for the new zoning regulations to match how the state regulates occupancy. City regulations don't need to duplicate state law, but they should align somewhat. We don't want to encourage activities in zoning that can't pass state fire marshal review, and vice versa.

### **Next Steps**

There are two items this staff report will discuss. First, some proposed language for over 30 days occupancy in apartments above shops on the Spit (R2, R3). Second, a request for some discussion on nightly rentals (R1) and what the Commission would like to do.

### **R2, R3 Occupancy**

The Commission decided caretakers or owners are acceptable residents on the Spit. Staff asks the Commission to include employees on that list. This would allow seasonal staff to stay on the Spit, not just the owner. (waitress, deckhand, sales clerk, boat driver, etc).

Standard language in other parts of HCC, like the CBD allow as a permitted use: "Apartment units located in buildings primarily devoted to business or commercial uses." Staff suggests using similar language, but limiting resident occupants to the owner, caretaker or employee. If the Commission has consensus on this staff can draft some language.

### **R1 Occupancy**

Staff requests the Commission discuss overnight accommodations. In the near future, staff would like to have a loose working definition of what to call the overnight rentals above Spit businesses, and some idea of how the Commission would like to regulate them. Staff can then communicate with the Port and Harbor Commission. When things are a little further along with the rest of the ordinance, we can hold some public meetings for community input.

We worked really hard during the Spit comprehensive plan process to get some sort of consensus on these units. There doesn't seem to be one! People recognize the units are out there, not allowed under current code, don't want more of them, but don't want to force the existing units to stop operation. Rather than asking again how people think we should solve the problem, staff would like to have a proposed regulation for people to consider.

The attached Zoning News publication talks about short term vacation rentals. It focuses mainly on the conflict between year round homes and neighboring short term rentals. While the article is not particularly relevant to the Spit because most of the Spit is commercial and we are discussing commercial room rentals, the article does touch on some issues and present terminology. Under Homer City Code, hotels are defined as having six or more guest units. Any other lodging is considered a rooming house, dormitory, bed and breakfast, or some other category that is geared toward residential use. We don't really have a definition of overnight rentals above a businesses, that has less than six guest rooms. It may be helpful to create a term, using the 'transient' and a definition. Otherwise, its likely these upstairs units will be called hotels because that is what they are most similar too. It just causes a little confusion – when people hear the term hotel, they think Lands End or the Bidarka, not a small room above a shop.

Staff would like the Commission to discuss the idea of nightly rentals, under six rooms. Above some shops on the Spit are one or two rooms that are rented out by the night. There are also fishing charters that offer accommodations to their guests. Generally these buildings have 1-5 guest rooms. Six or more rooms is a hotel and is allowed by conditional use.

**Options:**

- Calling these units hotels and regulating them under current code as conditional uses.
- Requiring the accommodations to be on the second floor, (or other architectural related requirements)
- Requiring they be an accessory use (i.e., must have a business down stairs)
- Having a maximum number of units per building or per lot or percentage of floor area.

**Staff Recommendation**

Planning Commission discuss

1. Allowing employees to live above shops
2. Overnight accommodations, with less than 6 units

Next topic to be worked on: setbacks and dimensional requirements.

**Attachments**

1. Draft Ordinance- July 10 draft
2. Zoning News, March 2002 Short Term Vacation Rentals: Residential or Commercial Use?

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1 **July 10, 2012 Draft**

2 **Chapter 21.28 MC Marine Commercial District**

3 Sections:

- 4  
5 21.28.010 Purpose.  
6 21.28.020 Permitted uses and structures.  
7 21.28.030 Conditional uses and structures.  
8 21.28.040 Dimensional requirements.  
9 21.28.050 Site and access plan.  
10 21.28.060 Traffic requirements.  
11 21.28.070 Site development requirements.  
12 21.28.080 Nuisance standards.  
13 21.28.090 Lighting standards.

14  
15 21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related  
16 and water-dependent uses and the business and commercial uses that serve and support them,  
17 including but not limited to fishing, marine transportation, off-shore energy development,  
18 recreation and tourism. It is recognized that unique natural features of Homer's marine  
19 environment contribute significantly to the economic and social environments, therefore  
20 performance standards are required to minimize the impact of development on the natural  
21 features on which they depend. (Ord. 08-29, 2008).

22  
23 21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine  
24 Commercial District, except when such use requires a conditional use permit by reason of size,  
25 traffic volumes, or other reasons set forth in this chapter:

- 26 ~~a. Boat charter offices;~~ Tourism related charter offices such as fishing, flightseeing, day  
27 excursions and boat charters  
28 b. Marine equipment and parts sales and services;  
29 c. Retail stores ~~limited to the sale of seafood products, sporting goods, curios, and arts and crafts;~~  
30 d. Business offices for water-dependent and water related activities such as fish brokers, off-  
31 shore oil and gas service companies, and stevedores;  
32 e. Customary accessory uses that are clearly subordinate to the main use of the lot or building  
33 such as piers or wharves, provided that separate permits shall not be issued for the construction  
34 of an accessory structure prior to that of the main structure;  
35 f. Mobile food services;  
36 g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
37 this zoning district;  
38 h. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.  
39 i. As an accessory use, one small wind energy system per lot.(Ord. 09-34(A) §18 (part), 2009;  
40 Ord. 08-29, 2008).

41 j. Restaurants

42 k. Cold-storage facilities

43 | l. Campgrounds

44 | m. Manufacturing, processing, cooking, and packing of seafood products

45  
46 21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine  
47 Commercial District when authorized by conditional use permit issued in accordance with HCC  
48 Chapter 21.71:

49 | a. ~~Restaurants and drinking establishments;~~ (reminder: restaurants allowed outright, drinking  
50 establishments are conditional)

51 | ~~b. Cold storage facilities;~~ (Allow outright)

52 | c. Public utility facilities and structures;

53 | ~~d. Dredge and fill when required for construction or maintenance of a structure devoted to one or~~  
54 ~~more uses that are permitted or conditionally permitted in this district;~~

55 | ~~e. Wholesale outlets for marine products;~~

56 | ~~f. Pipelines and railroads;~~

57 | ~~g. Heliports;~~

58 | h. Hotels and motels;

59 | i. More than one building containing a permitted principal use on a lot. Allow outright

60 | j. Planned unit developments, limited to water-dependent and water-related uses; No dwelling  
61 units other than caretakers

62 | k. Indoor recreational facilities;

63 | l. Outdoor recreational facilities;

64 | ~~m. Campgrounds;~~ (Allow outright)

65 | ~~n. Manufacturing, processing, cooking, and packing of seafood products.~~ (Allow outright)

66 | o. Other similar uses, if approved after a public hearing by the Planning Commission, including  
67 but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020  
68 and 21.30.030, provided the commission finds the use meets the following standards and  
69 requirements:

70 | 1. The proposed use is compatible with the purpose of the Marine Commercial District,

71 | 2. The proposed use is compatible with the land use development plan for the Homer Spit and  
72 the Comprehensive Plan,

73 | 3. Public facilities and services are adequate to serve the proposed use, and,

74 | ~~4. If City-owned land, the Port and Harbor Commission, after a public hearing, has made a~~  
75 ~~written recommendation to the Planning Commission concerning the proposed use, including~~  
76 ~~specifically whether conditions (1) through (3) of this subsection are or may, with appropriate~~  
77 ~~conditions, be met by the proposed use. (Ord. 08-29, 2008).~~

78 | p. Caretaker, business owner or employee housing as an accessory use to a primary use.

79  
80 21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all  
81 structures and uses in the marine commercial district:

82 | a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December  
83 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December  
84 12, 2006.

85 | b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other  
86 lot boundary lines. Alleys are not subject to a 20 foot setback requirement.

- 87 c. The maximum building height is 35 feet.  
88 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor  
89 shall any lot contain building area in excess of 30 percent of the lot area without an approved  
90 conditional use permit.

91 **Building Area and Dimensions - Retail and Wholesale.**

92 1. The floor area of retail and wholesale business uses within a single building shall not exceed  
93 25,000 square feet.

94 2. In no event may a conditional use permit, Planned Unit Development, or variance be granted  
95 that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming  
96 use or structure may be expanded in any manner that would increase its nonconformance with  
97 the limits of subparagraph (e)(1). (Ord. 08-29, 2008).

98 21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine  
99 Commercial District shall not be issued by the City without a level one site plan approved by the  
100 City under HCC Chapter 21.73.

101 b. A zoning permit for any use or structure shall not be issued without a level one right-of-way  
102 access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

103

104 21.28.060 Traffic Requirements. A conditional use permit is required for all uses that are  
105 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.  
106 (Ord. 08-29, 2008).

107

108 21.28.070 Site Development Requirements. All development shall conform to the Site  
109 Development Requirements contained in HCC § 21.50.030 and the following:

110 a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-  
111 owned tidelands.

112 b. The location of buildings and roads shall be planned to minimize alteration to the natural  
113 terrain.

114 c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe  
115 conditions.

116 d. Point source discharges to a waterway shall be in conformance with the Alaska Department of  
117 Environmental Conservation regulations. (Ord. 08-29, 2008).

118

119 21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance  
120 Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

121 21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards  
122 contained in HCC § 21.59.030. (Ord. 08-29, 2008).

123



## Short-Term Vacation Rentals: Residential or Commercial Use?

By Nate Hutchinson

*What happens when people live and vacation in the same town, where vacation homes and permanent homes are often side by side? A survey of almost 40 tourist-oriented communities was taken for this issue of Zoning News.*

Americans love to vacation as much as they love their vacation destinations, and demographers have noticed. New migration patterns into some of the fastest growing communities in the country—resort towns—suggest that many people are relocating to the places that were once just summer or weekend getaways. According to Peter Wolf, author of *Hot Towns*, "A new species of American is on the move: not, as in the past, the needy, but the comfortable, well-educated, and well-trained; not the job seekers and risk takers, but those with leisure, choices, and the wherewithal to seek out the best." By Wolf's estimates, this migration includes anywhere from 700,000 to 1.6 million people per year. The strong 1990s economy brought a wave of second-home purchases as investments and family retreats. Resort areas—coastal, mountain, and lakeside—have what these trendsetters want: natural beauty, fresh air, and recreation. Communities with such amenities are prime candidates for conflicts in land-use planning.

What happens when people live and vacation in the same town, where vacation homes and permanent homes are often side by side? Regulations that govern short-term rentals in residential districts are getting more attention as planners and residents notice that these vacation homes can have a much greater impact on the community than those that house year-round residents. Angry neighbors say short-term rentals look like single-family homes but function more like commercial uses. The crux of the matter for planners is finding a balance between the interests of year-round, seasonal, and vacationing people while considering the effects on property rights, economic vitality, and the sanctity of residential neighborhoods.

The dynamics vary from one town to the next, but the issue seems to grow more contentious as more vacationers and year-round residents live next to one another. A survey of almost 40 tourist-oriented communities was taken for this issue of *Zoning News* in order to shed light on this increasingly vexing land-use phenomenon.

### Relevance and Research Background

In 2001, APA's Planning Advisory Service recorded an increase in the number of inquiries about planning for and regulating short-term rental properties in residential areas—particularly single-family districts. The survey revealed that a significant percentage experienced an increase in conflicts between these and adjacent land uses. While some have recently drafted ordinances to address the short-term rental problem, others are still in the process of doing so or have expressed the need for change, and because resort communities have different attitudes toward tourism, each approaches the issue in a different way.

### Impacts

The impact of a short-term vacationer compared with year-round residents can be significant. Seasonal populations live and work in the community, and thus become somewhat integrated. Naturally, they increase demands on infrastructure and services. Impacts associated with short-term vacationers, however, are more nuisance related, often generating noise and light pollution. Generally, the shorter the stay, the less inclined one might be to respect neighbor diplomacy. Late-night music and merrymaking, floodlights, garbage taken out to the street on off days, dogs at large, illegal parking, and negligent property maintenance are

garden-variety complaints often cited by annoyed neighbors. Neighbors, planners, and property owners point to the correlation between such problems and length of stay for the rental property. In other words: the shorter the stay, the higher the impact. The stereotypical "weekend warrior"—trying to pack the most fun into the least amount of time—will invariably generate more trips to the store or beach, keep later hours, and create a greater disruption with light and noise. Still, for some communities, the concern is not so much the negative impacts as the lack of community involvement typical of transients.

### Affordable Housing

A more insidious problem with short-term rentals is their impact on housing costs. When property owners decide to increase their "rent stream" with short-term rental agreements rather than renting by the season or year, they essentially "squeeze" the

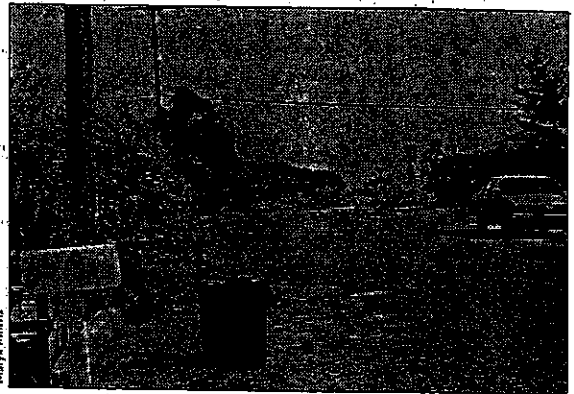
### Politics

Planners admit to a dilemma: Many property owners rely on the rent streams and spending dollars generated by vacationers, but locals want to preserve their neighborhood's residential character. Furthermore, business owners would prefer to see an expansion of the local vacation lodging market. When property owners are unwilling to forfeit certain rights, leaving them at odds with neighbors who want the relative quietude expected in a single-family neighborhood, what should be done?

Indeed, people "vote with their feet" when choosing vacation destinations or a permanent home, so politicians try to appease the greatest number of constituents. Invariably, residents will threaten to abandon a once-beloved community or resort locale if renting a house on the beach or settling into a neighborhood means an endless stream of nuisances from disruptive vacationers.



Maryn Morris



Maryn Morris



Julie Thomson

*(Above, left) Short-term rentals in Ship Bottom, New Jersey. Paved yards and excessive numbers of vehicles at short-term rental houses are a common complaint of neighbors. Believe it or not, these are the fronts of the houses. (Above, right) Most short-term renters are unaware of garbage collection schedules. (Left) Boat and recreation vehicle parking is an unpleasant sight for neighbors in this Monroe County, Florida, neighborhood.*

supply of housing, pushing up the demand and, subsequently, the cost. Ty Simrosky, planning director for Key West, Florida, says, "It's another means of financing the acquisition of local housing by non-local people and it fuels speculation in a rising housing market." Simrosky explains that by allowing short-term rentals, investors can cover the carrying costs of a house for a year or two while the property appreciates in value and then sell it for a healthy profit. Simrosky also says that while long-term homebuyers are strongly opposed to short-term rentals in a prospective neighborhood, investment buyers are less inclined to care if a neighboring property is a short-term rental. This can create a snowball effect that eventually replaces year-round neighborhood residents with vacationers.

Communities most affected by a housing shortage are those with businesses that rely on lower-paying service and tourism jobs. High housing costs have pushed many workers out of the community, even beyond commuting distance. Simrosky also speculates that there are workers being bused in from the Florida mainland to sleep in bunk-house conditions just to work for three- or four-day periods in Key West.

Residents of Monroe County, Florida, put the issue on a ballot, narrowly deciding—51 to 49 percent—against allowing short-term rentals in improved subdivisions (single-family districts). Subdivisions retained the right to vote on the issue separately.

### Health, Safety, and General Welfare

Historically, property owners in resort communities could rent a home, regardless of the duration of the stay, by claiming that the house was not used "primarily for commercial purposes." What this really meant was that the structure could not be used for such purposes for more than 50 percent of the year. However, planners claim that approach is difficult to monitor and easy to abuse. Most feel zoning codes and a licensing system offer a better solution despite the time and expense required for administering and enforcing new regulations.

Most of the surveyed communities deal with short-term rentals through the zoning code. Imperial Beach, California, justifies its interim short-term rental ordinance with a purpose and intent that states "there is a current and immediate threat to the public health, safety, or welfare of its citizens by owners or their agents renting or selling units for periods of thirty

Community	Regulate Short-Term Rentals	Specific Ordinance Provisions <sup>1</sup>	Term Used <sup>2</sup>	Permitted		License Required	Year Adopted	Legal Challenges
				Number of Consecutive Days <sup>2</sup>	Number of Times Per Year			
Aspen, CO	No							
***** NC	Yes	No						
Boone, NC	No							
Burlington, VT	No							
Cape Cod, MA	No							
Carmel-by-the-Sea, CA	Yes	Yes	Transient, Commercial Use	30		Prohibited	1975	
Cocoa Beach, FL	Yes	Yes	Transient Lodging	30	3	Yes	2000	
Colchester, VT	No							
Eagle County, CO	Yes					per/PUD <sup>4</sup>		
Imperial Beach, CA	Yes	Yes	Short-term Rental	30		Prohibited	2001	Yes
Islamorada, FL	Yes	Yes	Vacation Rental	28		Yes	Yes	
Key West, FL	Yes	Yes	Transient Lodging	30			1998	Yes
Kiawah Island, SC	Drafting		Short-term Rental	30		Yes	Yes	In draft
Maggie Valley, NC	No							
Manchester, VT	No							
Marathon, FL	Yes	Yes	Vacation Rental	30		Yes	Yes	2000
Melbourne Beach, CA	Yes	No	Resort Dwelling	30			Yes	
Mendocino County, CA	Yes	No	Transient Habitation	30			Yes	1987
Monroe County, FL	Yes	Yes		30		Yes	Yes	Yes/Upheld
Monterey, CA	Yes	No	Short-term Residential Rental	30		Prohibited		
Muskegon, MI	Yes	No		7		Yes	No	
Myrtle Beach, SC	Yes	Yes	Transient Accommodation	30		Yes	Yes	
Nantucket, MA	No						Yes	
Ocean City, MD	No							
Pasco County, FL	Yes	Yes	Short-term Rental	30	3	Yes	Yes	1999
Saco, ME	Yes	Yes	Seasonal Rental	4 months		Prohibited	Yes	
			Daily Rental	1				
San Juan County, WA	Yes	Yes	Transient Accommodation/Residence/Guesthouse	30				1998
Sanibel, FL	Yes	Yes	Resort Housing	30		Yes	Yes	2001
Santa Cruz, CA	No/Transit Occupancy Tax		Short-term Rental					1984
Saugatuck, MI	No							
South Haven, MI	Yes	Yes	Short-term Dwelling Unit	2		Yes	No	
Stowe, VT	No							
Sturgeon Bay, WI	No/Transit Occupancy Tax							
Sullivan's Island, SC	Yes	Yes	Vacation Rental	28		Yes <sup>5</sup>	Yes	
Telluride, CO	Yes		Short-term Dwelling Unit	30	X <sup>6</sup>			1992
Traverse City, MI	No							
Vail, CO	No							
Yachats, OR	Yes	Yes	Transient Rental	30		Allowed in all Zones	Yes	1992

Phone by Mary Morris research by Nara Hutcheon

This matrix is not exhaustive. Every reasonable attempt was made to achieve accuracy and thoroughness, but variations in ordinance language, format, and local practice made a "complete" matrix impossible. Thus, it is meant only as a quick reference guide for readers of this article. The short-term rental survey evolved as it was being conducted, so not all questions were asked uniformly or of every survey participant.

1. This indicates any section of the code that is dedicated to short-term rentals, such as interim ordinances or amendments.
2. Language varies from code to code in terms of how they specify a time period. Where a month or four weeks was used as the length of the term, 30 days is the default response.
3. Community preferred not be mentioned by name.
4. Decision made by subdivision bylaws.
5. STRs not permitted by right in any of the zones.
6. In most restrictive districts, they are permitted to rent three times or fewer per year for a total of 30 days or less.

consecutive calendar days or less . . . and that such rentals in the residential zones of the city . . . may create adverse impacts.”

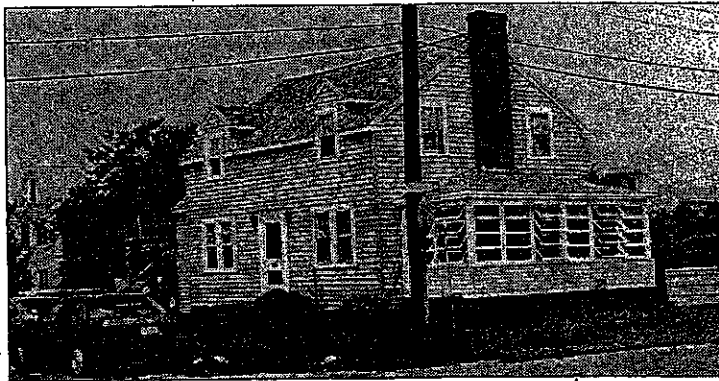
Commonly cited reasons for drafting an ordinance or provision for short-term rentals include protecting residential character, maintaining housing affordability, managing infrastructure and service requirements, and complying with hurricane evacuation capacity. Zoning ordinances, business permits, and transient occupancy taxes are ways of managing this quasi-commercial use.

Definitions are often at the root of governing short-term rentals. Unfortunately, many zoning codes have a discrepancy between defined terms and the provisions that use them. Terms are sometimes defined at the beginning of the ordinance but then never used in the provisions. Conversely, provisions may contain undefined terms, rendering the code too ambiguous. For example, some towns prohibit “transient rentals” in certain districts without

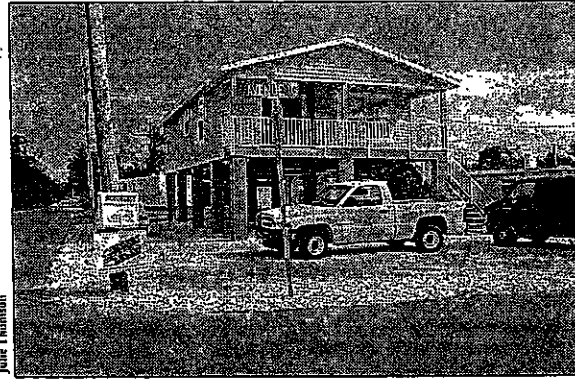
about what actually is a short-term rental. Length of stay (where not determined by a definition of transient) is an important factor in defining short-term rentals.

There is a wide range of occupancy tenure in a short-term rental ordinance. Communities specify the maximum length of stay in days, weeks, or months. Some simply distinguish the use by type of occupant, usually transient or tourist, in which case the terms should be clarified in the definitions section.

Measures of occupants’ permanency can include everything from specifying the length of stay to whether the residence is the legal address of its occupants. At this fundamental level, communities can best begin to guide local land-use practices. Here, parameters are set largely according to the nature of a community’s tourist population, the importance of tourism on the local economy, and community goals.



Mayra Morris



Julie Thomson

*(Above, left) Short-term rental property prominently displayed on a corner lot in Lewes, Delaware. The impact: Vehicles of vacationers spilling over from the driveway onto the street. The problem: This type of impact occurring for weeks or months on end. (Above, right) Apparently, more pavement, less yard means more parking and less yard maintenance for this short-term rental property in Monroe County, Florida. (Right) Driveway signs for a Kiawah Island, South Carolina, short-term rental welcome the next round of families sharing a house.*



Bill Miller

defining the term “transient.” Distinctions can be easily made between the various types of lodging and rental property, and only those uses that are specifically listed as permitted or conditional should locate to designated districts. However, where single-family residences are a permitted use, and the length of tenure is unspecified, nothing in the ordinance can stop property owners from renting the house on a short-term basis.

### **Definitive Criteria**

For communities grappling with such disputes, clear definitions are essential. Other terms for short-term rentals include transient commercial use, vacation rental home, vacation property, transient lodging, resort dwelling, and resort housing. Because transient also is used in the definition of other terms, it too should be defined in context to alleviate confusion and ambiguity. These terms are defined using various criteria, such as structure type, length of stay, measures of occupants’ permanency, number of occupants, and the type of occupants (family members or unrelated people).

The type of structure (single or multifamily) often is not specified in the ordinance, allowing room for interpretation

Regulating the number of occupants also can mitigate the impacts of rental properties. Some communities specify total number of occupants by persons per bedroom, family members, or non-related persons, notwithstanding local fire codes. Islamorada, Florida, limits occupancy to two people per bedroom plus two additional persons. Other communities simply limit occupancy to a single family, as defined in their ordinance (see “Definitions and Distinctions” for examples and commentary on relevant terms).

Defining family also can complicate the matter. Restricting the use of single-family homes to families can be a difficult way to regulate short-term rentals, mainly because the term family is open to a wide range of literal and legal interpretations. Even so, “traditional” families are not devoid of impact risks, including noisy infants or rowdy teenagers. The ever-changing family paradigm does not make it the best measure by which to regulate short-term rentals.

### **Once Defined, Where Are Short-term Rentals Allowed?**

Tolerance levels about the impacts of short-term rentals will vary among communities. Communities with an intense interest in



## DEFINITIONS AND DISTINCTIONS

### ■ BED AND BREAKFAST

**Commentary:** Bed and breakfasts are similar in appearance and location to many short-term rentals in residential areas. However, the primary distinction is the mitigating presence of the owner/operator.

**Definitions:** Generally small, owner-operated businesses providing the primary financial support of the owner. Usually the owner lives on premises. The building's primary usage is for business. Inns advertise, appropriate taxes, and post signs. Breakfast is the only meal served and only to overnight guests. The inn may host events such as weddings, small business meetings, etc. Room numbers range from four to 20 with a small, but increasing number up to 30. Reservations may be made directly with the property. (*Professional Association of Innkeepers International*)

Bed and breakfast means the use of an owner-occupied or manager-occupied residential structure providing no more than four rooms for temporary lodging for transient guests on a paying basis. A "Bed and Breakfast Inn" may include meal service for guests. (*Blue Springs, Mo.*)

### ■ BOARDING HOUSE

**Commentary:** A boarding/rooming/lodging house differs from the short-term rental house because it has multiple rooms or units for rent and occupants share common kitchen or dining facilities. Occupants of a boarding house also tend to be less transient (the definition of which depends on community standards).

**Definitions:** A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. (*Champaign, Ill., which uses the term "boarding/rooming house"*)

An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. (*Venice, Fla.*)

### ■ FAMILY

**Commentary:** Restricting the use of single-family homes to families can be a problematic way to regulate short-term rentals, mainly because the term family is open to a wide range of literal and legal interpretations. Even so, a "traditional" family is not without impacts, such as vocal infants or rowdy teenag-

ers. The definition of family or single-family house is not the most widely used or recommended tool for short-term rental regulation.

**Definitions:** One or more persons occupying a single dwelling unit, as a single housekeeping unit, provided that unless all members are related, by blood, marriage, or adoption, no such family shall contain over six persons, including any roomers, boarders and/or domestic servants. A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than six resident elderly or disabled persons (mentally and/or physically impaired) with at least one, but not more than two resident staff persons shall be considered a family. (*Tulsa, Okla.*)

One or more persons, related by blood, marriage, or adoption, occupying a living unit as an individual housekeeping organization. A family may include two, but not more than two, persons not related by blood, marriage, or adoption. (*Iowa City, Iowa*)

One or two persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code. (*St. Paul, Minn.*)

Two or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit. (*Lake County, Ill.*)

One or more persons occupying a premise(s) and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, or hotel as herein defined. (*Scottsdale, Ariz.*)

### ■ GUEST HOUSE OR GUEST COTTAGE

**Commentary:** Guest cottages can present a loophole for short-term rentals in single-family residential districts unless certain specifications are made—namely that usage is only allowed for non-paying guests.

**Definition:** Guest house (accessory dwelling unit) means a detached or attached accessory structure secondary to the principal single-family residential unit designed and most commonly used for irregular residential occupancy by family members, guests, and persons providing health care or property maintenance for the owner. (*San Juan County, Wash.*)

### ■ HOTEL OR MOTEL

**Commentary:** Hotels/Motels typically have separate entrances and an on-site management office.

**Definitions:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. (*Boone County, Mo.*)

A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door. (*Cecil County, Md.*)

### ■ TRANSIENT

**Commentary:** "Transient" can be used to describe a person or a land use. Ambiguous or subjective words—"short," "long," "seasonal," "temporary"—should be either avoided altogether or clarified with precise units of time—number of hours, days, weeks, or months. When a community defines a transient as a person living in a dwelling unit for "a short time only," the term "short" could be interpreted in a variety of ways. To alleviate further confusion, the nature of a person's stay may be clarified, as is done in the definition below from Sturgeon Bay, Wisconsin.

**Definitions:** A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business. (*Sturgeon Bay, Wis.*)

Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a visitor accommodation facility shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement, in writing, between the operator and the occupant providing for a longer period of occupancy. (*Monterey, Calif.*)

promoting tourism, may be more permissive, allowing them in restricted districts, while others will diligently protect residential districts. In the most restrictive communities, short-term rentals may be prohibited outright in residential districts. Monroe County, Florida, prohibits them unless a majority of homeowners vote them into a subdivision. Communities may permit short-term rentals as a conditional use or allow them only when rented fewer than four times each year.

### Conditional Uses and Licensing

Whether short-term rentals are allowed by right or as a conditional use, additional requirements to benefit both the occupants and neighbors are recommended. For example, operating a short-term rental may require physical inspection to determine the safety of the structure from hazards such as fire and over occupancy. Other requirements might include posting a "notice to occupant" reminding visitors of mandatory evacuation in case of a hurricane (in prone areas) or a "code of conduct" for the neighborhood, which might list regulations for occupancy, parking, boat dockage, fines, or helpful information such as garbage and recycling pick-up. Both should be printed in a large font and prominently displayed.

### Regulating by Ratio

Mendocino County, California, settled on an acceptable ratio of short-term rental properties to year-round residents: Locals deemed 13 year-round resident houses to one short-term rental house tolerable. The community requires operating permits for short-term rental properties. An additional vacation rental permit is issued for every 13 new residential units. The number of permits is finite but siting is still flexible. To maintain an orderly and fair distribution of permits, the county does not allow them to be sold or transferred. The county considers short-term rentals a commercial use, allowing additional short-term rentals as part of a 50/50 mix of commercial and long-term residential dwelling units in mixed-use districts.

### Legal Challenges

Legal challenges will invariably arise in neighborhoods where homeowners enjoying the comforts of a quiet back yard are suddenly interrupted by noise or light from an adjacent short-term rental property. Places with restrictions on short-term rentals such as Key West and Imperial Beach have faced legal challenges, which may include vesting, consistency with the comprehensive plan, definition of family, and allowable time for amortization. However, anecdotal evidence suggests that the longer an ordinance has been in place, the more accepted it is. Most of the planners interviewed for this article were confident in the defensibility of their short-term rental ordinances.

### Mitigation and Amortization

Some of the mitigation tools used to offset the impacts of short-term rentals include having a 24-hour contact person or management service, vehicle registration, and short-term rental medallions—a sign or badge on the front of the home identifying the residence as a vacation property, the name of the management company, and a contact person. The use of medallions is widely criticized because critics say they invite thieves and vandals. Such mitigation measures are typically paid for and provided by the property owner as a condition of receiving an operating permit. Other measures, such as increasing code enforcement staff—as is done in Key West—or bolstering visitor awareness through signage to politely inform them of the neighborhood's quiet residential character may be paid for with tax revenue generated from short-term rental properties.

To avoid a takings challenge, communities that have recently enacted more restrictive codes also have included an amortization schedule that phases out short-term rental properties. Islamorada allows two years for amortization and Imperial Beach is proposing five-year amortization. Sullivan's Island, South Carolina, requires proof of use as a short-term rental during the previous 12-month period to reduce the number of rental properties. Those that lapse are not eligible for future licensing.

### Enforcement

Detection of problem rentals can occur either from complaining neighbors or a dedicated municipal-enforcement staff. Penalty fines range from \$100 a day in Saco, Maine, to \$500 for each day of violation in Kiawah Island, South Carolina. Other penalties include denied permit renewals, permit revocation, or misdemeanor citations. Fines are a comparatively small expense for property owners whose short-term rentals generate healthy returns, so some owners virtually ignore the restrictions, says Monroe County planner Marlene Conway. Saco requires property owners to renew permits annually. A history of complaints is kept on file and those with more than two recorded complaints will not be issued a permit for the coming year.

Administering a short-term rental ordinance burdens both the budget and staff. Issuing permits and code enforcement takes time and money. Permit or licensing fees and taxes on short-term lodging can offset these expenses. Fees vary from a fixed amount to a sliding scale based on the percent of income generated per calendar year—both of which usually amount to \$100 to \$200. In states that grant local governments the authority to tax this type of land use, the taxes for the lodging fee can range from four percent on the low end to seven percent in Deschutes County, Oregon. Santa Cruz, California, taxes 10 percent.

### Conclusion

Technology, telecommuting, and lifestyle priorities will continue to fuel the infiltration of newcomers into resort communities with long-established residents. For these and other reasons, the populations of traditional get-away destinations will surge and change, bringing with them increased pressure to adapt to new people and new land-use challenges. Deciding whether short-term rentals are commercial or residential land uses is an important first step in addressing the issue. Perhaps the zoning code is the best defense in preserving the tranquility that made such places attractive in the first place.

Selected ordinances from the short-term rentals survey are available to *Zoning News* subscribers. Please contact Michael Davidson, Co-editor, *Zoning News*, American Planning Association, 122 South Michigan Avenue, Suite 1600, Chicago, IL 60603, or e-mail [mdavidson@planning.org](mailto:mdavidson@planning.org).

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*Zoning News* is a monthly newsletter published by the American Planning Association. Subscriptions are available for \$60 (U.S.) and \$82 (foreign). W. Paul Farmer, AICP, Executive Director; William R. Klein, AICP, Director of Research.

*Zoning News* is produced at APA. Jim Schwab, AICP, and Michael Davidson. Editors: Barry Bain, AICP, Heather Campbell, Fay Dolnick, Nate Hutcheson, Sanjay Jeer, AICP, Megan Lewis, AICP, Marya Morris, AICP. Reporters: Sherrie Matthews. Assistant Editor: Lisa Barton. Design and Production.

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HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JULY 18, 2012

None

**PLAT CONSIDERATION**

None

**PENDING BUSINESS**

A. Staff Report PL 12-32, Flag Lots

Planning Technician Engebretsen reviewed the staff report and asked how the Commission would like to proceed.

Commissioner Venuti commented that the Fire Chief expressed that there isn't anything pressing at this time.

**BOS/HIGHLAND MOVED TO POSTPONE ACTION ON FLAG LOTS UNTIL AFTER THE BOROUGH COMPLETES THE REWRITE OF THEIR SUBDIVISION CODE.**

Commissioner Bos expressed his agreement that it would be better to wait for the Borough to complete theirs so the Commission can be better educated and have the same rules to enforce as the Borough. The Borough has final approval over subdivision's right now.

**HIGHLAND/VENUTI MOVED TO AMEND TO SAY THE COMMISSION WILL REVISIT THIS IN A YEAR.**

There was brief discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

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

Motion carried.

B. Staff Report PL 12-33 Amending HCC 21.28 Marine Commercial Zoning District

Planning Technician Engebretsen reviewed the staff report. She noted that in relation to the Fire Marshall review R1 is occupancy less than 30 days and must have sprinklers; R2 is someone who spends 30 days or more like a tenant or employee; R3 is a personal residence and requires no Fire Marshall review of the dwelling unit.

The Commission discussed including employees, as well as employer or caretaker as allowable to reside in an upstairs unit. Mrs. Engebretsen explained how it will simplify the process for the applicant who is getting a CUP for the dwelling unit upstairs. Staff isn't recommending it is a place that can be rented out on a monthly basis. There was no objection expressed by the Commission.

The Commission also addressed nightly rentals. They discussed

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- How to define the nightly rental over a business on a boardwalk.
- Increased risk in a fire event due to proximity of the buildings.
- Requiring overnight accommodations on the boardwalks are tied to the business downstairs.
- Regulating it based on Fire Marshall occupancy type would be a cleaner way to proceed.
- It shouldn't be regulated to the point that it drives businesses away.
- A lot of people struggle with this because they came here because they don't want any rules, and that isn't fair.

The Commission agreed to have a worksession to further discussion. They requested copies of Kenai and Soldotna's regulation to see another perspective on how this type of lodging could be handled.

**NEW BUSINESS**

A. Staff Report PL 12-34 Elections

The Commission agreed to postpone voting for Vice Chair to their August meeting when they hold their regular elections, in accordance with their bylaws.

B. Staff Report PL 12-35, Capital Improvement Plan

City Planner Abboud reviewed the staff report.

The Commission discussed some of the projects and each person's top five were as follows:

Erickson- Main Street and Sterling Highway Improvements , Fishing Lagoon Improvements, Marine Ways Haul out, Alternative Water Source, and Maritime Academy

Venuti- Main Street and Sterling Highway Improvements, Sterling Highway Realignment, Port and Harbor Building, Deep Water Dock Expansion, Sewer Treatment Facility

Stead- Alternative Water Source, Water Storage/Distribution Improvements, Engine 4 and Tanker 2 Refurbishment, Fire System Booster, Public Safety Building

Dolma- Alternative Water Source, Marine Ways Haul out, Water Storage/Distribution Improvements, Main Street and Sterling Highway Improvements, Sterling Highway Realignment

Highland- Main Street and Sterling Highway Improvements, Barge Mooring Facility, Port and Harbor Building, HERC Building Upgrades, Harbor Entrance Erosion

City Planner Abboud said he would tally their recommendations and bring a memo back at the August 1<sup>st</sup> meeting for approval.

**INFORMATIONAL MATERIALS**

A. City Manager's Report dated June 25, 2012



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**Planning & Zoning**  
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**MEMORANDUM (Revised)**

**TO:** Port and Harbor Advisory Commission, Harbormaster Hawkins  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**DATE:** June 27, 2012  
**SUBJECT:** Update on the Spit Comprehensive Plan implementation

Diana Parks, supervisor of the Plan Review Bureau of the State Fire Marshal office visited Homer last week. She spent time with Planning and Zoning staff out on the Spit, and spoke to the Planning Commission during their work session. Some Port and Harbor Commissioners were also in attendance.

The Planning Commission and Department are working on implementing the Spit Comprehensive Plan, and are drafting a new zoning ordinance for the Marine Commercial District. Ms. Parks visit helped staff and the Commission understand some of the basic life safety issues on the Spit, as it relates to apartments above retail shops. Planning staff would like to share some of what they learned during her visit.

Fire marshal review is required when a building is remodeled, the use changes, or a zoning permit is required. Ms. Parks relayed the state's willingness to work with property owners to find solutions for buildings that are already constructed. Existing buildings with minor changes can expect common sense regulation; an existing building will not be required to come up to code.

If a building is undergoing a major remodel or expansion, the owner can expect they will need to bring their building up to code.

Ms. Parks discussed two main concepts: Occupancy, and Separation of structures.

**Occupancy:** the type of use or inhabitant of a structure.

We discussed three types of occupants for rooms above shops. These 'occupancies' are based on how long someone stays in the room (days, a month, all season).

An "R3" is a personal residence. It's the home, even if its seasonal, of a person that owns the building, or the business below it. The shop keeper who lives upstairs in the summer is an "R3." There is very little regulation from the fire marshal for an R1. As long as there is fire separation, (say



extra sheet rock between the shop and the residence), that's about all the Fire Marshal would regulate.

An "R2" is an occupant who rents or lives in the apartment for 30 days or longer. It could be a renter, an employee, etc. There are more rules for an R2 apartment – hand rails, egress, etc.

An R1 is an occupant who stays less than 30 days. It could be a tourist renting a room for the night, a weekly rental, or a guy who comes in from a fishing boat and spends the night once in a while. New R1 accommodations must be sprinkled, and have the most rules.

What does all this mean for zoning? It would be nice for the new zoning regulations to match how the state regulates occupancy.

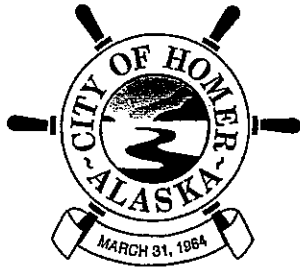
### **Separation: Distance between buildings**

There are several variables that determine how far apart buildings must be. One option that is common on the Spit, is for a large boardwalk and all the little cabins to be treated as one structure by the fire marshal. As long as all the buildings and the boardwalk together are less than 9,000 square feet, this approach works pretty well. A larger 'building' must be sprinkled. Separation gets a little more complicated when two large boardwalks are side by side. If they are not far enough apart, they are considered one really big structure, and again must be sprinkled. This is relevant because as infill development happens on the Spit, the separation distances need to be considered. If zoning changes are considered for building setbacks from property lines, the separation between them must still meet fire marshal regulations.

Planning staff will continue to work on these concepts as the Marine Commercial District is reviewed. City regulations don't need to duplicate state law, but they should align somewhat. We don't want to encourage activities in zoning that can't pass state fire marshal review, and vice versa.



Where the Land Ends and the Sea Begins



# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-30

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** June 20<sup>th</sup>, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

### Introduction

The Homer Spit Comprehensive Plan is the blueprint for future development on the Spit. Zoning is an important component in shaping future land uses. Map 5, Future Lane Use Concept, shows areas reserved for marine industrial development, and those for commercial activities. Generally speaking, along Homer Spit Road, land along the harbor is commercial, and land beyond Fish Dock Road is industrial. A future zoning map amendment ordinance could change the current zoning boundaries, to those shown in the comprehensive plan.

### Analysis

This staff report and draft ordinance are only addressing the text of the zoning district, not future boundaries. The big picture question is what land uses do the citizens want along the harbor, and in marine commercial areas? This question is answered in the comprehensive plan. Citizens generally liked the mix of land uses, and were concerned about residential uses. The current zoning code does not really allow for the mix of uses as they exist on the Spit. It's the job of staff and the Commission to transform the overall goals of the plan into specific zoning regulations.

### Land use and community design goals: (*Spit Plan page 22*)

- 1.1 Maintain the variety of land uses that establish the unique "Spit" character and mix of land uses.
- 1.2 Improve permanence and character of new commercial development.
- 1.3 Provide public facilities that attract residents and visitors to the Spit for recreational purposes.
- 1.4 All development should recognize, value, and complement the unique natural resources on the Homer Spit.
- 1.5 Respond to seasonal land use demand fluctuations.
- 1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

### Permitted and Conditional Uses

In the draft ordinance, staff has recommended some changes to permitted and conditional uses. It may help the Commission to envision a fictitious scenario. Pretend there is a new boardwalk proposed next to the harbor. What kinds of new businesses could go there? What fits the character of the Spit? Meet community goals? For example, does a t-shirt shop or coffee hut fit with the vision of the Spit in the

Comprehensive Plan? What about a bank? Tanning salon? If they do, then these uses could be permitted uses.

Going a step further, what land uses might be OK, but should have a higher level of review – IE a conditional use permit? A conditional use is one that may be allowed, but due to its size, bulk, scale, density or other features causes the land use to have more impact on adjacent land owners. For example, perhaps the new boardwalk triggers a conditional use permit. Not necessarily because of the mix of uses, restaurant vs. t shirt shop, but because it will create 9,000 square feet of new retail/mix use space. The size of the development will draw many tourists and impact the neighborhood. Traffic flow and pedestrian connections will be important considerations, no matter who the tenants are.

Please review the suggested changes for permitted and conditional uses. Below is a short list of items staff recommends be conditional uses. As staff and Commission learn more from the Fire Marshal about fire separation distances (i.e., setbacks) and occupancy types, this list can be further refined.

*Staff recommended CUP triggers:*

- Overnight accommodations in any number, not just hotel/motel
  - There Spit Plan p. 25 discusses community concerns with lodging, nightly rentals, and residential uses. These are land uses that concern the community and merit closer scrutiny.
- Caretaker residence or employee housing
  - (see above) The community expressed concern over residential uses on the Spit.
- Setback exceptions...(allowing boardwalk into the setback)
  - If boardwalks, stairs and decks are going to be allowed in a setback, this should be part of the code.
- Lot coverage over 70% (not 30%)
  - Commercial lots on the Spit are generally pretty small and development is dense. 30% coverage all by itself should not trigger a CUP. If the development meets all other requirements and no activities require a CUP, it is very onerous to go to the Commission just for 30% lot coverage.
- Other triggers??

**Staff Recommendation**

Planning Commission review the permitted and conditional uses and provide comments. Once there is consensus, staff will move on to the next section of code – dimensional requirements.

**Attachments**

1. Draft Ordinance- May 9<sup>th</sup> draft



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~~MAY 16, 2012~~ 6/20/12

Planning Technician Engebretsen reviewed the staff report. She reviewed the minimum lot size requirements for on site water and sewer. The original lot being subdivided is less than 40,000 square feet. So far when dealing with lots that are smaller like this one as long as the lot is getting bigger and not smaller it has been acceptable.

Jerry Johnson, project surveyor, said he was available to answer questions. He commented that the Borough and City requirement that minimum lot size is 40,000 square feet for on site well and septic, but the state DEC will allow it at 20,000 square feet.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-26, WR BELL SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: YES: HIGHLAND, SONNEBORN, MINSCH, VENUTI, ERICKSON, DOLMA, BOS

No discussion.

C. Staff Report PL 12-28, Cooper Subdivision Haaland Addition Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

Roger Imhoff, project surveyor, said he was available for questions and had no comments for the Commission.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 12-28, COOPER SUBDIVISION HAALAND ADDITION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PENDING BUSINESS**

A. Staff Report PL 12-29, Flag Lots

Planning Technician Engebretsen said staff talked with the State Fire Marshall about flag lots and fire department access. When a commercial project undergoes plan review, the access for a fire truck is considered, but not during the subdivision process. Fire Chief Painter is scheduled to attend the July worksession to talk about Homer's fire equipment and what kinds of access issues are specific to our community. She encouraged the Commissioners to send her any questions they may have so Chief Painter can be prepared to address them at the worksession.

B. Staff Report PL 12-30 Amending HCC 21.28 Marine Commercial Zoning District

Planning Technician Engebretsen reviewed the staff report.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
~~MAY 16, 2012~~ 6/20/12

The Commission reviewed the permitted and conditional uses outlined in the marine commercial district draft. There was no objection to the amendments proposed by staff under the permitted uses and structures section.

When discussing conditional uses, one opinion expressed was that drinking establishments shouldn't be allowed outright.

They discussed removing wholesale outlets for marine products, and staff explained the limiting factors of leaving it as a conditional use, and that sale of marine products would be allowed as retail under permitted uses. Allowing more than one building containing a permitted principal use on a lot allowed out right as there are other things that will regulate it, such as impervious coverage and setbacks. Point was raised that in today's economy business owners need some flexibility in what they do in their business, it was requested that staff look at options for businesses being allowed to do different types of job within their property or business.

In relation to types of residence allowed in the district it was suggested that owner or caretaker residence seems to be an appropriate allowed use. It was noted in discussion that there can be limitations to size to help maintain some of the view shed. There are also height limitations in place through code. It was noted that the Fire Marshall spoke about the different qualification given to owner occupied and not owner occupied, probably because an owner is going to be a little more accountable and familiar with their space in the event of a fire.

#### **NEW BUSINESS**

No new business was scheduled.

#### **INFORMATIONAL MATERIALS**

- A. City Manager's Report dated June 11, 2012
- B. Zoning Practice, 2012

There was no discussion regarding informational materials.

#### **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**

Staff thanked Chair Minsch for her service on the Commission.

#### **COMMENTS OF THE COMMISSION**

Commissioner Venuti thanked Chair Minsch. He commented that he would like to revisit the issue of allowing Paul Banks to have a changeable copy sign. He thinks they were remiss on that, raising the point that they failed to consider a Commissioner had a conflict as they live within 300 feet of the property. It bothers him that the Commission is considered sign Nazis and didn't pay attention to everyone's input on the sign ordinance and as a consequence we



# City of Homer

## Planning & Zoning

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### STAFF REPORT PL 12-24

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** May 16, 2012  
**SUBJECT:** Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

#### **Introduction**

Homer has two business oriented zoning districts on the Spit: Marine Commercial, and Marine Industrial. In the 2011 Homer Spit Comprehensive Plan, revising the zoning is part of several implementation tasks. Please review the maps and implementation table at the back of the Spit Plan.

Conceptually, along Homer Spit Road, all the boardwalks, from the Fishing Hole south to Fish Dock Road, will become Marine Commercial. South of Fish Dock, Road to Land's End, properties will remain mainly industrial. The goal of the Comprehensive Plan is to strengthen the zoning districts (otherwise why not have one district where anything goes?).

#### **Permitted and Conditional Uses**

In the draft ordinance, staff has recommended some changes to permitted and conditional uses. These changes can be reviewed at the regular meeting. It may be helpful to consider under what circumstances should a Conditional Use Permit be required? Under current code, many common land uses require a CUP, but without any particular reason...why does campground warrant a CUP but not an RV park?!

#### *Staff recommended CUP triggers:*

- More than 8,000 sq ft of building area
- Overnight accommodations in any number
- Setback exceptions...(allowing boardwalk into the setback)
- Caretaker residence or employee housing
- Planned Unit Developments
- Recreational facilities – indoor/outdoor, not parks...
- Other triggers??
- Lot coverage over 70% (not 30%)

#### **Dimensional Requirements**

**Setbacks.** In the past few years, the planned unit development code has been used when a reduction in setback requirements is requested. For example, stairs or decking may be desirable within the 20 foot

right of way setback. Rather than use the PUD code for allowing flexibility in the setback requirements, this could be allowed in code via as CUP, as it is in the in the Central Business District. CBD code language: "If approved by a conditional use permit, the setback from a dedicated right-of-way, may be reduced."

**Landscaping.** Spit landscaping requirements could be something other than 3 feet along lot lines. The Commission has been approving CUPs where applicants propose planters, hanging pots, fences or other visual improvements that don't necessarily meet the code definition of landscaping, broad as it is. 21.46 Small Boat Harbor Overlay District (written for future over slope platforms) has code which could be tailored to the MC district:

21.46.080 Landscaping. a. Five percent of the area of an overslope platform must be landscaped. b. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040, landscaping on an overslope platform may include planter boxes and hanging basket plantings. c. The commission may permit the substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash receptacles and information kiosks, for part of the required landscaping on an overslope platform.

Another similar landscaping approach can be found on the Town Center code, 21.20.070 (e)2(b) b. Gardens. To be included in the calculation of required landscaping, a garden shall be not less than 10 feet in length or width as measured at its shortest dimension. In addition to landscaping, a garden may include amenities, such as pedestrian seating areas, art, sand boxes, flower and ornamental gardens, paths, bike racks, outdoor restaurant seating, and other similar structures incidental to use of the building. No more than 50 percent of a garden may have an impervious cover, e.g., pavement, brickwork, and decking. Any decks or patios included in the calculation of a garden shall be at or near ground level. Use of grass, wood chips, or natural surfaces is preferred over areas paved with asphalt or concrete. A landscaped storm water detention area may be included in a garden or buffer.

If the Commission likes a more flexible approach to landscaping, rather than a prescriptive 3 feet along long lines, staff can draft some suggestions.

#### **STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff requests the Commission to provide direction on:

1. Permitted and conditional uses as presented
2. Setbacks: Allow reduced setbacks as described above?
3. Landscaping – have staff come up with some flexible options?

#### **Attachments**

Draft Ordinance- May 9<sup>th</sup> draft

1 **May 9, 2012 Draft**

2 **Chapter 21.28 MC Marine Commercial District**

3 Sections:

- 4  
5 21.28.010 Purpose.  
6 21.28.020 Permitted uses and structures.  
7 21.28.030 Conditional uses and structures.  
8 21.28.040 Dimensional requirements.  
9 21.28.050 Site and access plan.  
10 21.28.060 Traffic requirements.  
11 21.28.070 Site development requirements.  
12 21.28.080 Nuisance standards.  
13 21.28.090 Lighting standards.

14  
15 21.28.010 Purpose. The purpose of the Marine Commercial District is primarily for water-related  
16 and water-dependent uses and the business and commercial uses that serve and support them,  
17 including but not limited to fishing, marine transportation, off-shore energy development,  
18 recreation and tourism. It is recognized that unique natural features of Homer's marine  
19 environment contribute significantly to the economic and social environments, therefore  
20 performance standards are required to minimize the impact of development on the natural  
21 features on which they depend. (Ord. 08-29, 2008).

22  
23 21.28.020 Permitted uses and structures. The following uses are permitted outright in the Marine  
24 Commercial District, except when such use requires a conditional use permit by reason of size,  
25 traffic volumes, or other reasons set forth in this chapter:

26 ~~a. Boat charter offices;~~ Tourism related charter offices such as fishing, flightseeing, day  
27 excursions and boat charters

28 b. Marine equipment and parts sales and services;

29 ~~c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;~~

30 d. Business offices for water-dependent and water related activities such as fish brokers, off-  
31 shore oil and gas service companies, and stevedores;

32 e. Customary accessory uses that are clearly subordinate to the main use of the lot or building  
33 such as piers or wharves, provided that separate permits shall not be issued for the construction  
34 of an accessory structure prior to that of the main structure;

35 f. Mobile food services;

36 g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under  
37 this zoning district;

38 h. Recreational vehicle parks, provided they shall conform to the standards in HCC § 21.54.

39 i. As an accessory use, one small wind energy system per lot. (Ord. 09-34(A) §18 (part), 2009;  
40 Ord. 08-29, 2008).

41  
42 21.28.030 Conditional uses and structures. The following uses may be permitted in the Marine  
43 Commercial District when authorized by conditional use permit issued in accordance with HCC  
44 Chapter 21.71:

- 45 | a. Restaurants and drinking establishments; Allow outright  
46 | b. Cold-storage facilities; Allow outright  
47 | c. Public utility facilities and structures;  
48 | ~~d. Dredge and fill when required for construction or maintenance of a structure devoted to one or~~  
49 | ~~more uses that are permitted or conditionally permitted in this district; (How is this used? Never~~  
50 | ~~had a cup for this)~~  
51 | ~~e. Wholesale outlets for marine products;~~  
52 | ~~f. Pipelines and railroads;~~  
53 | ~~g. Heliports;~~  
54 | h. Hotels and motels;  
55 | i. More than one building containing a permitted principal use on a lot. Allow outright  
56 | j. Planned unit developments, limited to water-dependent and water-related uses; No dwelling  
57 | units other than caretakers  
58 | k. Indoor recreational facilities;  
59 | l. Outdoor recreational facilities;  
60 | m. Campgrounds; Allow outright  
61 | n. Manufacturing, processing, cooking, and packing of seafood products. Allow outright  
62 | o. Other similar uses, if approved after a public hearing by the Planning Commission, including  
63 | but not limited to those uses authorized in the Marine Industrial district under HCC §§ 21.30.020  
64 | and 21.30.030, provided the commission finds the use meets the following standards and  
65 | requirements:  
66 | 1. The proposed use is compatible with the purpose of the Marine Commercial District,  
67 | 2. The proposed use is compatible with the land use development plan for the Homer Spit and  
68 | the Comprehensive Plan,  
69 | 3. Public facilities and services are adequate to serve the proposed use, ~~and,~~  
70 | ~~4. If City owned land, the Port and Harbor Commission, after a public hearing, has made a~~  
71 | ~~written recommendation to the Planning Commission concerning the proposed use, including~~  
72 | ~~specifically whether conditions (1) through (3) of this subsection are or may, with appropriate~~  
73 | ~~conditions, be met by the proposed use. (Ord. 08-29, 2008). It is not appropriate to require a~~  
74 | different level of review of property due to land ownership, in the zoning code. The city can  
75 | review proposals of its own land via the lease committee. The zoning code should apply equally  
76 | to everyone and not create a separate class of land owner with different rules.

- 77 |  
78 | 21.28.040 Dimensional Requirements. The following dimensional requirements shall apply to all  
79 | structures and uses in the marine commercial district:  
80 | a. The minimum lot size is 20,000 square feet, except for lots lawfully platted before December  
81 | 12, 2006. The minimum lot width is 150 feet, except for lots lawfully platted before December  
82 | 12, 2006.  
83 | b. Buildings shall be setback 20 feet from all dedicated rights-of-way and five feet from all other  
84 | lot boundary lines. Alleys are not subject to a 20 foot setback requirement.  
85 | c. The maximum building height is 35 feet.  
86 | d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor  
87 | shall any lot contain building area in excess of 30 percent of the lot area without an approved  
88 | conditional use permit.

89 Building Area and Dimensions - Retail and Wholesale.

90 1. The floor area of retail and wholesale business uses within a single building shall not exceed  
91 25,000 square feet.

92 2. In no event may a conditional use permit, Planned Unit Development, or variance be granted  
93 that would allow a building to exceed the limits of subparagraph (e)(1) and no nonconforming  
94 use or structure may be expanded in any manner that would increase its nonconformance with  
95 the limits of subparagraph (e)(1). (Ord. 08-29, 2008).

96 21.28.050 Site and Access Plan. a. A zoning permit for any use or structure within the Marine  
97 Commercial District shall not be issued by the City without a level one site plan approved by the  
98 City under HCC Chapter 21.73.

99 b. A zoning permit for any use or structure shall not be issued without a level one right-of-way  
100 access plan approved by the City under HCC Chapter 21.73. (Ord. 08-29, 2008).

101  
102 21.28.060 Traffic Requirements. A conditional use permit is required for all uses that are  
103 estimated or expected to generate traffic in excess of the criteria contained in HCC § 21.18.060.  
104 (Ord. 08-29, 2008).

105  
106 21.28.070 Site Development Requirements. All development shall conform to the Site  
107 Development Requirements contained in HCC § 21.50.030 and the following:

108 a. Development shall not impair or unnecessarily impede use by the public of adjacent publicly-  
109 owned tidelands.

110 b. The location of buildings and roads shall be planned to minimize alteration to the natural  
111 terrain.

112 c. Grading and filling shall not alter the storm berm except as necessary to correct unsafe  
113 conditions.

114 d. Point source discharges to a waterway shall be in conformance with the Alaska Department of  
115 Environmental Conservation regulations. (Ord. 08-29, 2008).

116  
117 21.28.080 Nuisance Standards. All development and structures shall conform to the Nuisance  
118 Standards contained in HCC § 21.24.080. (Ord. 08-29, 2008).

119 21.28.090 Lighting Standards. All uses and development shall conform to the Lighting Standards  
120 contained in HCC § 21.59.030. (Ord. 08-29, 2008).

121





**NEW BUSINESS**

- A. Staff Report PL 12-24 Amending HCC 21.28 Marine Commercial Zoning District

City Planner Abboud reviewed the staff report. In response to questioning he briefly explained what a PUD is and the concept of zero lot lines on the spit. His plan is to put something together guided by the principles in the spit comp plan and when the Planning Commission is in agreement it can be presented to the Port and Harbor Commission for their comments.

**INFORMATIONAL MATERIALS**

- A. City Manager's Report dated May 14, 2012  
B. Letter to property owners in or near a flood plain

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no comments.

**COMMENTS OF STAFF**

There were no staff comments.

**COMMENTS OF THE COMMISSION**

Commissioner Venuti asked if Dr. Marley was sent a letter from planning. City Planner Abboud said no.

Commissioner Sonneborn said it was a complicated but good meeting and wished everyone a happy spring.

Commissioner Highland commented that it was difficult but that is how it goes and it's good to be reminded that this is city wide, even though we liked their concept.

Commissioners Dolma, Bos, and Erickson had no comments.

Chair Minsch commended the commissioners on their work, the questions they are asking, and the knowledge they are gaining.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:48 p.m. The next regular meeting is scheduled for June 20, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





# City of Homer Planning & Zoning

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## MEMORANDUM

May 10, 2012

**TO:** Economic Development, Port and Harbor and Parks and Recreation Advisory Commissions  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Homer Advisory Planning Commission  
**SUBJECT:** Implementing the Comprehensive Plan

Recently the City of Homer adopted a Comprehensive Plan. The Planning Department facilitated the creation of the plan, which all of you were encouraged to contribute to its formation. Once approved by the City Council and accepted by the Kenai Peninsula Borough, it is expected that we as a city and you as representatives of various commissions and committees should have a hand in seeing that the various goals and objectives are evaluated and acted upon.

It is not expected that every implementation item might come to fruition in the plan timeframe, but we hope that most will. Perhaps some of the suggestions are just not ready for implementation yet and some might be examined and changes suggested for the next review and amendment in the next 5 years. As a commission or committee, you should be familiar with the various sections that you helped to write and should plan actions to see that help fulfill your goals. The Planning Commission has been doing just that. Just recently, we have created a mixed-use district to encourage a wide range of commercial activities along East End Road and we amended code to allow for additional residential infill by allowing some second residences to be permitted outright. The Planning Commission is now starting to review plan suggestions for the Spit and would like to encourage your participation.

We are developing a schedule for review, below is a rough timeline of upcoming tasks. City staff will provide updates to each Commission periodically on the progress and seeks to provide opportunity for input.

Short term: 1 Year

Midterm: 2 Years

Long term – over the next 5 years

### Short term:

- Rezone the area between the harbormaster's office and ice dock road to Marine Commercial.
- Revise the Marine Commercial zoning district code (permitted and conditional uses).
- Revise Marine Industrial zoning district code. (Midterm?)

*Ongoing City /Staff tasks:* ROW MOU with the state, implement parking plan for fee and short term parking during the summer, Spit trail extension, other harbor improvements such as restrooms, cruise ship related improvements, trail along the edge of the harbor, etc.

**Midterm:**

- Examine the zoning on both sides of Homer Spit Road between Bob's Trophy Charters, and the Heritage RV Park, and rezone to Marine Commercial based on needs and comp plan recommendations.
- Rezone the city owned lots at the base of the Spit on the Mud Bay side from MI to OSR
- Review Spit zoning districts for screening requirements, landscaping and storm water concerns
- Based on the success or failure of increased parking regulations, review and revise spit parking standards (ongoing)

**Long Term:**

- Site Planning for Pier 1 lot

B. Staff Report – Julie Engebretsen, Planning Technician/GIS

Ms. Engebretsen summarized her report for the record and responded to a few questions from the Commissioners regarding items not on the agenda. Ms. Engebretsen noted that she is hoping to provide the requested information for this meeting at the June meeting after the playground is built.

She commented on the work starting on the Spit Comprehensive Plan by the Planning Commission.

C. Parks Maintenance – Angie Otteson

Ms. Otteson provided a brief update on the repainting of Ben Walters Park restroom, they have started mowing, beautification letters went out, the green house is full and planting is scheduled for June 2, 2012. Summer camping has started and she should have a full crew in a week. She has provided information on signage but wanted to comment that there is limited signage in most parks and that is something that could be discussed and included in this budget talk for 2013.

Ms. Otteson responded to some questions and comments on Adopt a Park program offers and agreed to speak to the Rotary members thanking them for their efforts in the Adopt a Park Program. The Information Kiosk will be installed as soon as possible near the restroom and Memorial Garden.

She noted that Public Works is aware that the structure on the Spit used for a Picnic shelter is in need of repair. The commission expressed concern and liability to the City if it fell while in use. She did note that there is no universal standard on signage for parks however there is the standard of welcome to the park and directing the visitors to various areas within the park. She did note that Karen Hornaday would be a great place to start; another consideration was Jack Gist Park had no signage. She responded that pedestrian traffic has priority but vehicular traffic is not prohibited on Bishop's Beach to the east.

D. Kachemak Drive Path Committee Report – Bumpo Bremicker

Chair Bremicker commented that the revised resolution on the Path went back before Council and the Council rejected that one and amended the original resolution striking references to construction. Chair Bremicker noted that the Council still has concerns regarding costs, maintenance and right of way issues plus recommendation from the Transportation Advisory Committee. He has some concerns and really needs to have staff help the committee on this issue.

A brief discussion on some of the additional requirements requested from Council ensued.

F. Advisory Planning Commission – Memorandum dated May 10, 2012 Re: Implementing the Comprehensive Plan

Ms. Engebretsen stated this was advisory from the Planning Commission to all the city commissions who would be interested and if there are issues on the Spit regarding recreation and parks then it will be sent to this commission.

**PUBLIC HEARINGS**

A. Jack Gist Park – Land Use Agreement and Permit

Chair Bremicker opened the Public Hearing. He asked for information from staff regarding the document before them.

Mike Illg, Recreation Specialist introduced the item and why it was brought forward to the Commission.





# City of Homer Planning & Zoning

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## STAFF REPORT PL 12-17

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** May 2, 2012  
**SUBJECT:** Staff Report 12-17, Spit Comprehensive Plan Implementation

Staff has prepared an outline for implementing the Spit Comprehensive Plan. There are short term, midterm, and long term tasks. Staff would like the Commission's comments on the outline. Staff will then share the outline with other Commissions such as the Economic Development, Port and Harbor, and Parks and Recreation. We'd like to make it easier for other entities in the city to be informed!

Short term: 1 Year

Midterm: 2 Years

Long term – over the next 5 years

### Short term:

- Rezone the area between the harbormaster's office and ice dock road to Marine Commercial.
- Revise the Marine Commercial zoning district code (permitted and conditional uses).
- Revise Marine Industrial zoning district code. (Midterm?)

*Ongoing City /Staff tasks:* ROW MOU with the state, implement parking plan for fee and short term parking during the summer, Spit trail extension, other harbor improvements such as restrooms, cruise ship related improvements, trail along the edge of the harbor, etc.

### Midterm:

- Examine the zoning on both sides of Homer Spit Road between Bob's Trophy Charters, and the Heritage RV Park, and rezone to Marine Commercial based on needs and comp plan recommendations.
- Rezone the city owned lots at the base of the Spit on the Mud Bay side from MI to OSR
- Review Spit zoning districts for screening requirements, landscaping and storm water concerns
- Based on the success or failure of increased parking regulations, review and revise spit parking standards (ongoing)

### Long Term:

- Site Planning for Pier 1 lot





**NEW BUSINESS**

- A. Staff Report PL 12-15, Reappointment of Roberta Highland to the Transportation Advisory Committee

ERICKSON/VENUTI SO MOVED TO RECOMMEND REAPPOINTMENT OF COMMISSIONER HIGHLAND TO THE TRANSPORTATION ADVISORY COMMISSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 12-19, Flag Lot Regulations

Chair Minsch stated the Commission discussed flag lot regulations at the worksession and gave feedback to staff for consideration at a later date.

- C. Staff Report PL 12-17, Spit Comprehensive Plan Implementation

City Planner Abboud reviewed the staff report.

Discussion ensued regarding parking, trails, cruise ship improvements, bathroom locations, the Pier One Theater, and the campground areas. Point was raised that it would be beneficial for the Commissioners to stay current with Port and Harbor Advisory Commission minutes to learn about issues they are discussing.

**INFORMATIONAL MATERIALS**

- A. City Manager's Report dated April 23, 2012  
B. Corps of Engineers Permit dated April 6, 2012 regarding the Ocean Drive Loop Seawall Maintenance

The Commissioners and staff discussed the letter provided from the resident on Golden Plover regarding slope issues with the development in the area, Dr. Marley's park proposal, and the gas line update.

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

Larry Slone, city resident, commented that based on Dr. Marley's demeanor he came with an expectation that the Commission was going to render some sort of comment as a body, rather than listen passively. He agrees that, out of courtesy, a letter to Dr. Marley would be appropriate. Personally he is against the project; the property isn't adequate for what is being proposed. He said he was set back a bit to hear that Planning Commissioners weren't reading other commission's meeting minutes. He thinks it would be a necessity of the job to keep abreast of what is going on with the other commissions.



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-12**

An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Marine Industrial (MI) Zoning District to Conservation (CONS), Marine Commercial (MC) and Open Space Recreational (OSR), and Amending the Homer City Zoning Map to Rezone a Portion of the Open Space Recreational (OSR) Zoning District to Marine Industrial (MI), to Implement the 2010 Homer Spit Plan.

Sponsor: Planning

1. City Council Regular Meeting April 22, 2013 Introduction
  - a. Memorandum 13-054 from City Planner as backup



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Planning

4 **ORDINANCE 13-12**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER,  
7 ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE  
8 PORTIONS OF THE MARINE INDUSTRIAL (MI) ZONING DISTRICT TO  
9 CONSERVATION (CONS), MARINE COMMERCIAL (MC) AND OPEN  
10 SPACE RECREATIONAL (OSR), AND AMENDING THE HOMER CITY  
11 ZONING MAP TO REZONE A PORTION OF THE OPEN SPACE  
12 RECREATIONAL (OSR) ZONING DISTRICT TO MARINE INDUSTRIAL  
13 (MI), TO IMPLEMENT THE 2010 HOMER SPIT PLAN.  
14

15 WHEREAS, The Homer City Council adopted Ordinance 11-17 on May 24, 2011,  
16 adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive Plan and  
17 recommending adoption by the Kenai Peninsula Borough Assembly; and  
18

19 WHEREAS, The Kenai Peninsula Borough Assembly adopted Ordinance 2011-38 on  
20 November 1, 2011, adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive  
21 Plan; and  
22

23 WHEREAS, The Homer Advisory Planning Commission held a public hearing on the  
24 rezonings described herein on March 20, 2013 as required by Homer City Code 21.95.060; and  
25

26 WHEREAS, AS 29.40.040 requires that the City's zoning regulations be consistent with  
27 the comprehensive plan and further specific goals and objectives of the plan, and the Homer  
28 Advisory Planning Commission has found that the zoning map amendments in this ordinance are  
29 necessary to conform the zoning of the Homer Spit area to the 2010 Homer Spit Plan; and  
30

31 WHEREAS, The Homer Advisory Planning Commission also has found that the  
32 proposed rezonings (i) will be reasonable to implement and enforce; (ii) will promote the present  
33 and future public health, safety and welfare; and (iii) are consistent with the intent and wording  
34 of the other provisions of HCC Title 21.  
35

36 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
37

38 Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached  
39 Exhibit A from the Marine Industrial (MI) zoning district to the Conservation (CONS) zoning  
40 district as shown on the attached Exhibit F.  
41

42 Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached  
43 Exhibit B from the Marine Industrial (MI) zoning district to the Marine Commercial (MC) zoning  
44 district as shown on the attached Exhibit F.  
45

46           Section 3. The Homer Zoning Map is amended to transfer the parcels listed on the attached  
47 Exhibit C from the Marine Industrial (MI) zoning district to the Open Space Recreational (OSR)  
48 zoning district as shown on the attached Exhibit F.  
49

50           Section 4. The Homer Zoning Map is amended to transfer the parcel listed on the attached  
51 Exhibit D from the Marine Industrial (MI) and Marine Commercial (MC) zoning districts, to the  
52 Marine Commercial (MC) zoning district as shown on the attached Exhibit F.  
53

54           Section 5. The Homer Zoning Map is amended to transfer the parcel listed on the attached  
55 Exhibit E from the Open Space Recreational (OSR) and Marine Industrial (MI) zoning districts, to  
56 the Open Space Recreational (OSR) zoning district as shown on the attached Exhibit F.  
57

58           Section 6. The City Planner is authorized to note on the Homer Zoning Map the  
59 amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).  
60

61           Section 7. This is a non-Code ordinance of a permanent nature and shall be noted in the  
62 ordinance history of Homer City Code 21.10.030.  
63

64           ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of  
65 \_\_\_\_\_ 2013.

66  
67 CITY OF HOMER

68  
69  
70  
71 \_\_\_\_\_  
72 MARY E. WYTHER, MAYOR

73 ATTEST:

74  
75  
76 \_\_\_\_\_  
77 JO JOHNSON, CMC, CITY CLERK

78  
79 YES:

80 NO:

81 ABSTAIN:

82 ABSENT:

83  
84 First Reading:

85 Public Hearing:

86 Second Reading:

87 Effective Date:  
88  
89

90 Reviewed and approved as to form:

91

92

93

94 \_\_\_\_\_  
Walt E. Wrede, City Manager

95

96

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

98

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

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

**Exhibit A**

Rezone from Marine Industrial (MI) to Conservation (CONS):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18101010	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 7 LYING NORTH OF HOMER SPIT RD
18101014	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD
18101011	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 6 LYING NORTH OF HOMER SPIT RD



**Exhibit B**

Rezone from Marine Industrial (MI) to Marine Commercial (MC):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103023	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 2
18103119	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-C
18103024	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 3
18103311	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 28
18103443	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-3
18103103	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 4
18103022	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 1
18103310	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 29
18103432	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT AMENDED LOT 32
18103441	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA
18103309	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 30
18103118	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-B
18103442	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-2
18103444	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4
18103431	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMD LOT 88-1

**Exhibit C**

Rezone from Marine Industrial (MI) to Open Space Recreational (OSR):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103007	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD
18102010	T 6S R 13W SEC 27 SEWARD MERIDIAN HM PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY
18103102	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 14 LYING SOUTHWEST OF THE HOMER SPIT RD
18103006	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 2
18103002	T 6S R 13W SEC 34 SEWARD MERIDIAN HM PORTION GOVT LOT 1
18103004	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1

**Exhibit D**

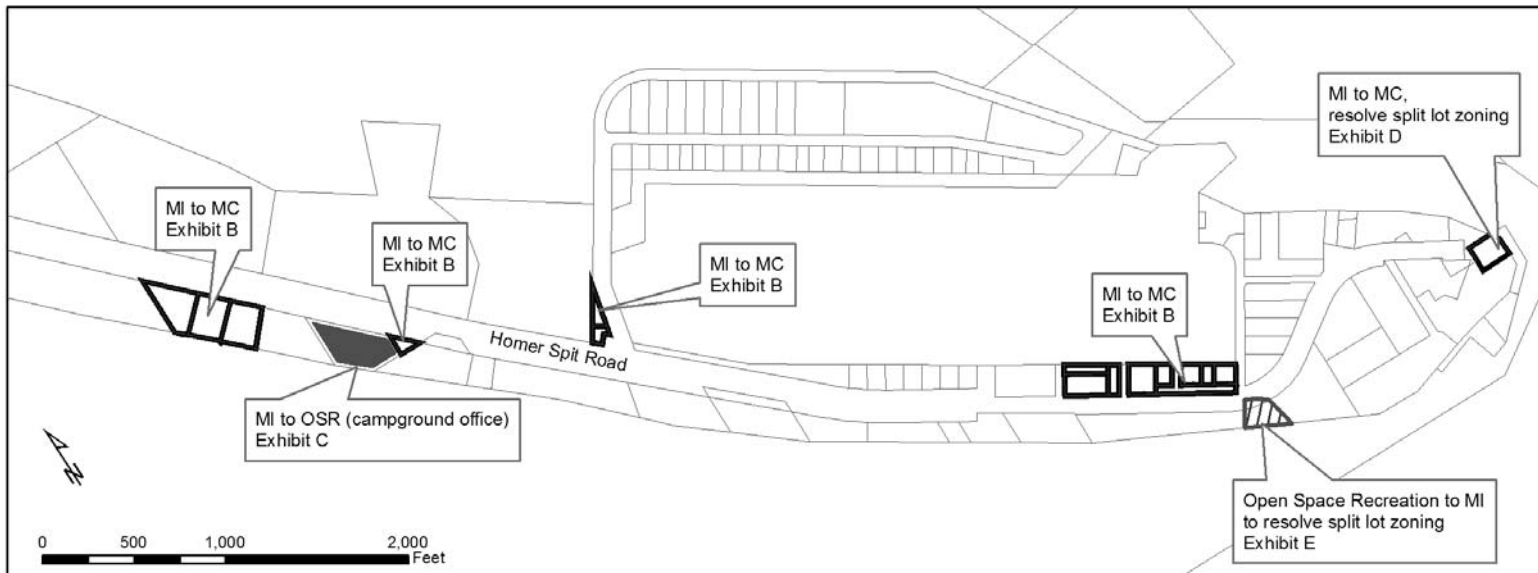
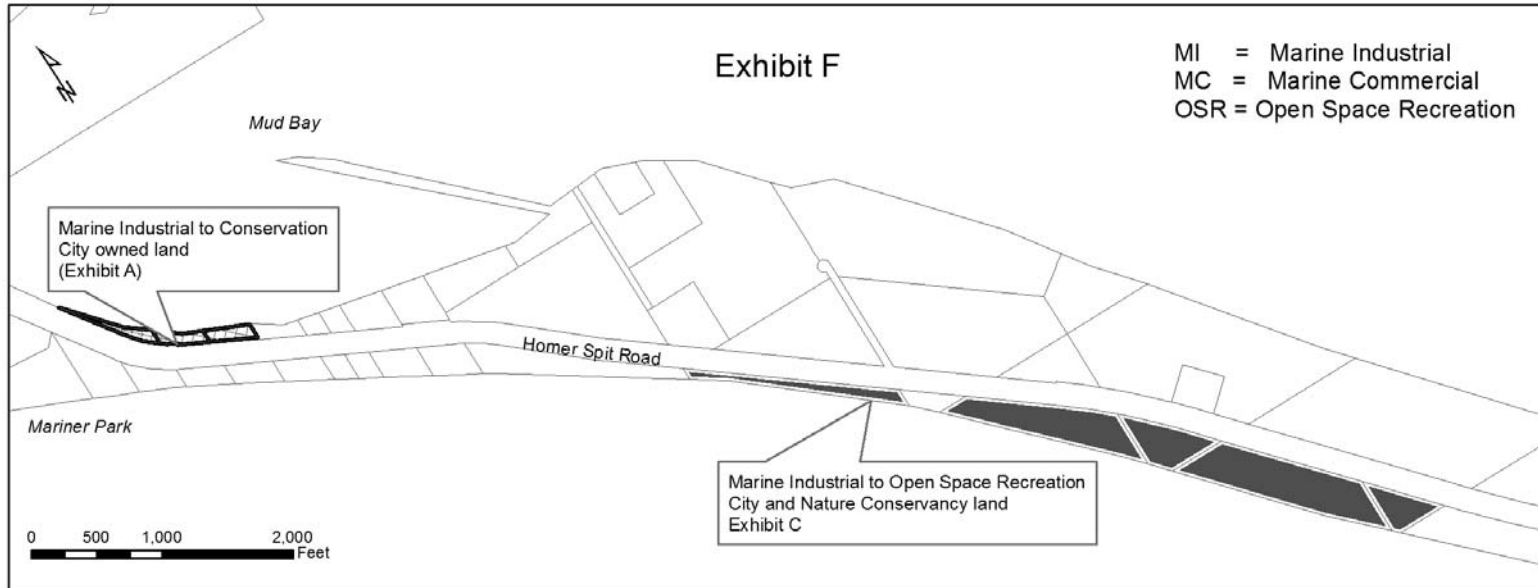
Rezone from Marine Industrial (MI) and Marine Commercial (MC) to Marine Commercial (MC):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103450	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990018 LANDS END SUB NO 2 AMENDED LOT 24-C-1

**Exhibit E**

Rezone from Open Space Recreational (OSR) and Marine Industrial (MI) to Marine Industrial (MI):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103402	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 50



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# City of Homer

## Planning & Zoning

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### MEMORANDUM 13-054

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
THROUGH: WALT WREDE, CITY MANAGER  
FROM: RICK ABBoud, CITY PLANNER  
DATE: March 23, 2013  
SUBJECT: Ordinance 13-12, Amending the Spit Zoning Map

After extensive review, the Homer Advisory Planning Commission recommends amendments to the Spit Zoning Map in accordance with the 2010 Homer Spit Comprehensive Plan.

The Spit zoning map was the subject of several Planning Commission meetings and was reviewed by the Port and Harbor Commission as well as the Economic Development Commission. Prior to producing the proposed amendments, the subject was intertwined with conversations regarding the proposed text amendment to the Marine Commercial and Industrial Districts.

The proposed amendments generally represent changed conditions reflected on the Spit. It provides a bit more Marine Commercial designations where that activity has been endorsed through permits and the Spit Comprehensive Plan. Lands that are tidal influenced or undevelopable are being designated as Conservation or Open Space Recreational. An excellent rundown of the changes is found with the memo supporting staff report 13-31.

Attachments:  
Draft Ordinance 11-XX  
Map  
Staff Reports  
Minutes  
Public Notice  
Public Comments  
Memos

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### STAFF REPORT PL 13-31

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 20, 2013  
**SUBJECT:** Draft Ordinance amending the Zoning Map on the Homer Spit

**Requested Action: Conduct a public hearing and forward a recommendation to the City Council on amending the Zoning Map on the Homer Spit.**

### GENERAL INFORMATION

This ordinance proposes to change the zoning designations of 26 properties on the Spit. The changes are in accordance to the 2010 Homer Spit Comprehensive Plan and advance the goals of that plan. The attached draft ordinance lists all the changes. There is also an attached memo with the Planning Department review of each change. Under HCC 21.95.050, the Planning Department reviews the changes and makes a recommendation to the Planning Commission. The Commission holds a public hearing, makes any amendments, and forwards the ordinance to the City Council for action.

Notice of the public hearing advertised in accordance to City Code. In addition, all property owners and interested parties on the Spit, according to the Kenai Peninsula Tax Assessor, were notified by mail of the meeting and proposed changes. A further email was scheduled to be Thursday March 14<sup>th</sup> to general business owners, including those who were invited to the work session in August 2012 the Commission conducted, when Spit shop owners were invited to discuss overnight accommodation regulations.

### STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

### ATTACHMENTS

1. Memorandum with Planning and Zoning Department Review per 21.95.030.
2. Draft ordinance
3. Public Notice

oo

oo



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**MEMORANDUM**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 20, 2013  
**SUBJECT:** Planning staff review of Draft Ordinance amending the Homer Zoning Map on the Spit

**GENERAL INFORMATION**

This memo is the Planning Department review of the proposed zoning map changes. Each zoning change will be presented in order of the ordinance, with findings for each section. This ordinance is also accompanied by another ordinance, which amends the marine Commercial and Marine Industrial zoning codes. These two ordinances will be considered separately, but together they implement the goals of the 2010 Homer Spit Comprehensive Plan.

**Exhibit A Marine Industrial to Conservation** (Mud Bay, base of Spit)

These three parcels are Marine Industrial, and are proposed for Conservation Zoning. All are city owned. There is little if any developable area on these lots. They are seaward of the Homer Spit Trail, into Mud Bay. Goal 1.6 of the Homer Spit Comprehensive Plan encourages the conservation of the Mud Bay area.

**Review**

21.95.050 Planning Department review of zoning map amendment. 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.

**Finding:** The proposed rezoning is consistent with the 2010 Homer Spit Comprehensive Plan and furthers the goals and objectives of the 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.

**Finding:** The change applies a zoning district better suited to the area. The current right of way width, and the tidal nature of the property in a mudflat make it unsuitable for Marine Industrial development.

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:** It is in the best interest of the public to zone these properties Conservation. They have little value as Marine Industrial lands for development purposes, but high habitat and scenic value for the public as a conservation area.

### **Exhibit B MI to MC**

There are fifteen lots in two basic areas included in this exhibit.

The first area includes properties west of the fishing hole, and two lots on Freight Dock Road. The lands have a mixture of commercial uses such as RV parks/camping, fishing charters and a restaurant, as well as a few vacant lots. All of the lots have a limited area for development, either due to lot size, or because they are mostly beach.

The second area is from the harbor masters office, south to Fish Dock Road, on the east side of Homer Spit Road along the harbor. The parcels have a mixture of Marine Commercial types of businesses, with a few Marine Industrial activities such as commercial fish buying. They are small lots and have more use to the community as commercial rather than industrial lots. One of the goals in the Spit plan is to better differentiate between marine commercial lands, with a broad range of possible business activities, and marine industrial, to cluster industrial activities without the gradual creep of commercial activities into those areas.

### **Review**

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

**Finding:** The proposed rezoning is consistent with the 2010 Homer Spit Comprehensive Plan and furthers the goals and objectives of the 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.

**Finding:** Conditions have changed on the Spit, and more Marine Commercial property is warranted.

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:** It is in the best interest of the public to rezone these lands from industrial to commercial land. The current development on the properties is of a marine commercial nature. These areas are identified as Marine Commercial in the land use plan and it is desirable to see further commercial development.

### **Exhibit C: Marine Industrial to OSR**

There are six properties proposed to change from Marine Industrial to Open Space Recreation zoning. Five are owned by the City of Homer, and one is owned by the Nature Conservancy. All are located on the west, or Cook Inlet side of Kachemak Bay, and are mostly beach. There is very little developable land outside of the state Right of Way. It's a highly active beach with a lot of current and sediment movement, and within a FEMA VE zone. They are not generally usable lots for Marine industrial activities. One lot includes a city campground and the campground office. The Spit Comprehensive plan, Goals 1.3 and 1.4 encourage open space recreation uses on the west side of the Spit.

#### **Review**

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

**Finding:** The proposed rezoning is consistent with the 2010 Homer Spit Comprehensive Plan and furthers the goals and objectives of the 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.

**Finding:** The zoning change will apply a better district to the properties. They are better suited to open space recreation uses than Marine Industrial development.

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:** It is in the best interest of the public that these properties be zoned for open space recreation. Through the Comprehensive Plan, the public has expressed the desire for these lands to remain undeveloped, to retain the view shed and public beach access across these areas.

### **Exhibits D and E: Split lot zoning**

There are two parcels on the Spit have a zoning boundary that runs through them. Generally, a zoning boundary follows lot lines per HCC 21.04. 050, 21.04.060. The two properties appear to have had lot line changes in 1989, and the zoning was not adjusted at that time. These are relatively minor changes and would not merit a rezone on their own. But since there are several changes zoning occurring at the

same time, these are minor changes that should be included in the action. Neither zoning change affects the current land use or development of the site.

1. At the Land's End Hotel, the restaurant area and part of the parking lot have Marine Industrial Zoning, rather than Marine Commercial like the rest of the site. The zoning change would be for the whole property to be Marine Commercial.
2. A portion of the Homer Spit Campground, which is a Marine Industrial site, is zoned Open Space Recreation. This OSR section would be changed to MI, like the rest of the site.

**Review**

- a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

**Finding:** The proposed changes are consistent with the 2010 Homer Spit 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.

**Finding:** Conditions have changed since the adoption of the zoning. The property boundaries have changed, resulting in split lot zoning. The existing land use activities will not be impacted by these changes and would be better suited by having one zoning designation.

- 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:** It is in the best interest of the public and the existing development to not have two different zoning designations on these parcels.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 13-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE MARINE INDUSTRIAL (MI) ZONING DISTRICT TO CONSERVATION (CONS), MARINE COMMERCIAL (MC) AND OPEN SPACE RECREATIONAL (OSR), AND AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE OPEN SPACE RECREATIONAL (OSR) ZONING DISTRICT TO MARINE INDUSTRIAL (MI), TO IMPLEMENT THE 2010 HOMER SPIT PLAN.

WHEREAS, the Homer City Council adopted Ordinance 11-17 on May 24, 2011, adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive Plan and recommending adoption by the Kenai Peninsula Borough Assembly; and

WHEREAS, the Kenai Peninsula Borough Assembly adopted Ordinance 2011-38 on November 1, 2011, adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive Plan; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the rezonings described herein on \_\_\_\_\_, 2013 as required by Homer City Code 21.95.060, and

WHEREAS, AS 29.40.040 requires that the City's zoning regulations be consistent with the comprehensive plan and further specific goals and objectives of the plan, and the Homer Advisory Planning Commission has found that the zoning map amendments in this ordinance are necessary to conform the zoning of the Homer Spit area to the 2010 Homer Spit Plan; and

WHEREAS, The Homer Advisory Planning Commission also has found that the proposed rezonings (i) will be reasonable to implement and enforce; (ii) will promote the present and future public health, safety and welfare; and (iii) are consistent with the intent and wording of the other provisions of HCC Title 21.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Marine Industrial (MI) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit F.

Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit B from the Marine Industrial (MI) zoning district to the Marine Commercial (MC) zoning district as shown on the attached Exhibit F.

47           Section 3. The Homer Zoning Map is amended to transfer the parcels listed on the attached  
48 Exhibit C from the Marine Industrial (MI) zoning district to the Open Space Recreational (OSR)  
49 zoning district as shown on the attached Exhibit F.  
50

51           Section 4. The Homer Zoning Map is amended to transfer the parcel listed on the attached  
52 Exhibit D from the Marine Industrial (MI) and Marine Commercial (MC) zoning districts, to the  
53 Marine Commercial (MC) zoning district as shown on the attached Exhibit F.  
54

55           Section 5. The Homer Zoning Map is amended to transfer the parcel listed on the attached  
56 Exhibit D from the Open Space Recreational (OSR) and Marine Industrial (MI) zoning districts, to  
57 the Open Space Recreational (OSR) zoning district as shown on the attached Exhibit F.  
58

59           Section 6. The City Planner is authorized to note on the Homer Zoning Map the  
60 amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).  
61

62           Section 7. This is a non-Code ordinance of a permanent nature and shall be noted in the  
63 ordinance history of Homer City Code 21.10.030.  
64

65           ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of  
66 \_\_\_\_\_ 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

73  
74 ATTEST:

75  
76  
77 \_\_\_\_\_  
78 JO JOHNSON, CMC, CITY CLERK

79  
80 YES:

81 NO:

82 ABSTAIN:

83 ABSENT:

84  
85 First Reading:

86 Public Hearing:

87 Second Reading:

88 Effective Date:

89

90



91 Reviewed and approved as to form:

92

93

94

95 \_\_\_\_\_  
Walt E. Wrede, City Manager

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

97

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

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

**Exhibit A**

Rezone from Marine Industrial (MI) to Conservation (CONS):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18101010	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 7 LYING NORTH OF HOMER SPIT RD
18101014	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD
18101011	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 6 LYING NORTH OF HOMER SPIT RD

**Exhibit B**

Rezone from Marine Industrial (MI) to Marine Commercial (MC):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103023	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 2
18103119	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-C
18103024	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 3
18103311	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 28
18103443	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-3
18103103	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 4
18103022	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 1
18103310	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 29
18103432	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT AMENDED LOT 32
18103441	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA
18103309	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 30
18103118	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-B
18103442	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-2
18103444	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4
18103431	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMD LOT 88-1

**Exhibit C**

**Rezone from Marine Industrial (MI) to Open Space Recreational (OSR):**

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103007	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD
18102010	T 6S R 13W SEC 27 SEWARD MERIDIAN HM PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY
18103102	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 14 LYING SOUTHWEST OF THE HOMER SPIT RD
18103006	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 2
18103002	T 6S R 13W SEC 34 SEWARD MERIDIAN HM PORTION GOVT LOT 1
18103004	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1

**Exhibit D**

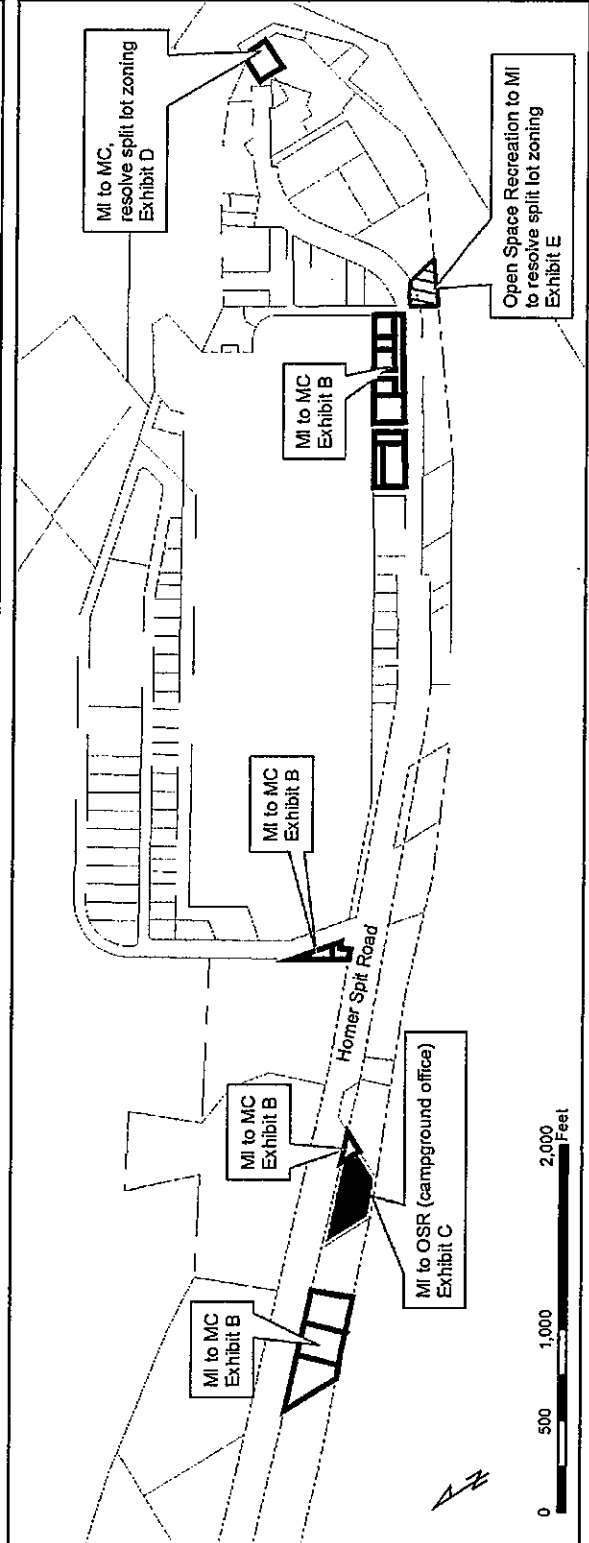
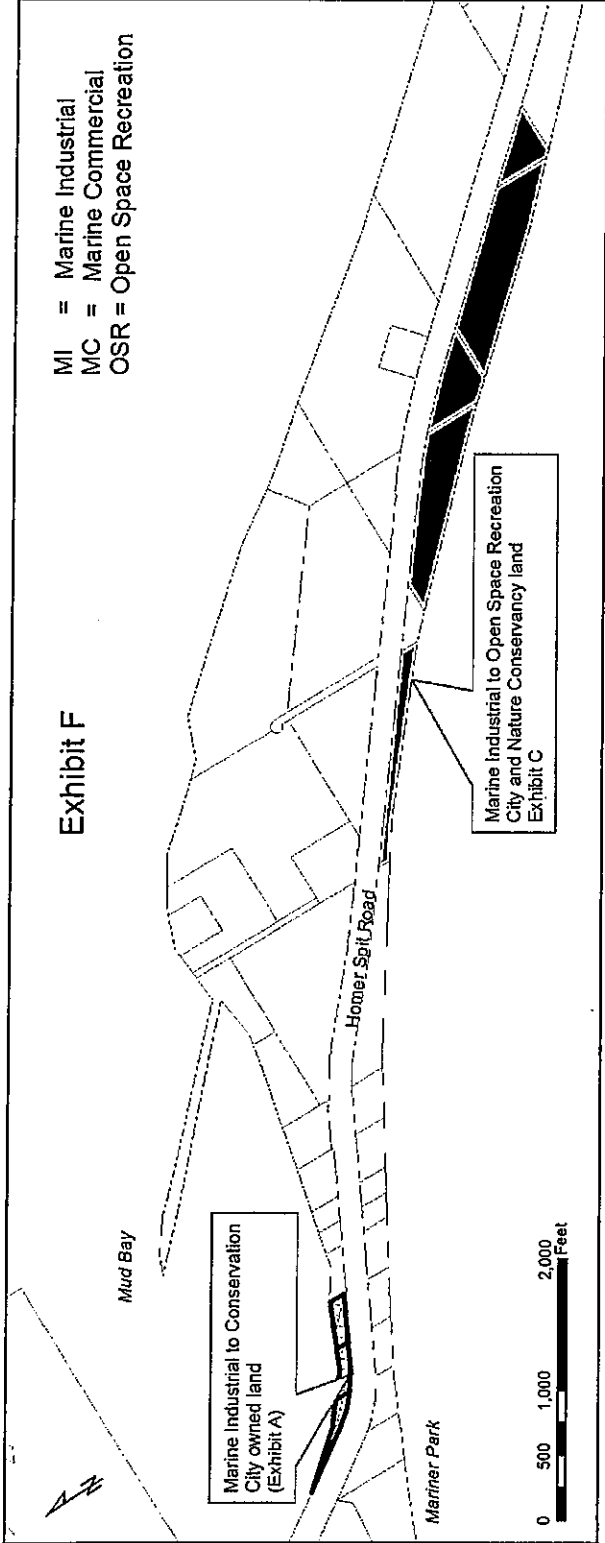
Rezone from Marine Industrial (MI) and Marine Commercial (MC) to Marine Commercial (MC):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103450	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990018 LANDS END SUB NO 2 AMENDED LOT 24-C-1

**Exhibit E**

Rezone from Open Space Recreational (OSR) and Marine Industrial (MI) to Marine Industrial (MI):

<u>Tax Parcel No.</u>	<u>Legal Description</u>
18103402	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 50







## **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, March 20, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

An amendment to the official Homer City Zoning Map to rezone portions of the Marine Industrial, Marine Commercial, Open Space Recreational, and Conservation Districts as required by HCC 21.95.060.

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 including the complete proposals available for review, please contact Julie Engebretsen or Rick Abboud at the City Planning and Zoning Office, 235-3106.

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

\*\*\*\*\*



HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 20, 2013

listed use they can get a conditional use permit for an unlisted use, and the process is spelled out under the unlisted use section of code. Getting rid of the other similar uses matches our other commercial districts, and eliminates the separate class of landowner that was created by having a set of rules for city owned property. All landowners should be equal and if the City wants a separate rule, it should be in administrative guidelines, not the zoning code.

Chair Venuti opened the public hearing.

Dan Young, property owner on the spit, commented in support of the changes tonight. He looked over the changes and they affect him positively. They tried to make these changes six years ago but they failed. He is glad to see this happening.

Thad Busheu, property owner on the spit, commented in support of the changes, they will benefit him as well.

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

**BOS/SONNEBORN MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICT AND RECOMMEND ADOPTION BY THE CITY COUNCIL.**

There was brief discussion for clarification that the information referenced in the laydown memo is already included in the draft ordinance provided by the City Attorney.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

**B. Staff Report PL 13-31, Draft Ordinance Amending the Zoning Map on the Homer Spit**

Planning Technician Engebretsen reviewed the staff report.

In response to questions, City Planner Abboud explained that the need for more marine commercial property is warranted due to several applications for conditional use for marine commercial activity in the marine industrial area.

Chair Venuti opened the public hearing. There were no public comments and the hearing was closed.

**BOS/HIGHLAND MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING THE HOMER ZONING MAP TO REZONE THE HOMER SPIT AND RECOMMEND ADOPTION BY THE CITY COUNCIL.**

It was noted that the map has been put together very well and is a welcomed change.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.





# 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](mailto:Planning@ci.homer.ak.us)  
*Web Site* [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

---

**TO:** Economic Development Advisory Planning Commission  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** March 12, 2013  
**SUBJECT:** Zoning code and zoning map changes on the Homer Spit

**Requested Action:** None. The Commission is welcome to make comments on the proposed changes. I will be attending the meeting on the 12<sup>th</sup> to answer any questions and relay any comments to the Planning Commission.

## Introduction

For the past nine months or so, the Homer Advisory Planning Commission has been working on revising the land use regulations on the Spit. There are two types of changes; the text of the zoning districts, i.e. what land uses are or are not allowed, and the zoning map. There is a public hearing scheduled for March 20<sup>th</sup> on these proposed changes at the Planning Commission meeting..

These changes are to implement the Spit Plan, and hopefully will result in more clear, logical zoning regulations. For example, several areas will be rezoned from Marine Industrial to Marine Commercial. This will allow for a broader range of businesses. Fisheries activates are still allowed, but so are kayak rentals and all the other business that have been there for so long. Conversely, the Marine Industrial District will be focused on industrial and fishing related activity. For example, Fish Dock Road lots will remain Marine Industrial; they are important to Homer's economic success as a fishing port and are very close to harbor infrastructure.

Another major change is the allowance of overnight room rentals. Under current zoning regulations, most of the rooms for rent above shops are a zoning violation. The 2010 Spit Comprehensive Plan recognized the need to address this conflict between zoning, and a common business practice. Last fall, the Planning Commission invited Spit business owners to a work session, to talk about how people are really using their property, and what zoning and safety regulations might look like. The end recommendation from the Planning Commission and staff is to change the city zoning regulations to follow the regulations already in place by the State Fire Marshal. The proposed changes should help to solve the long term zoning conflicts.

Copies of the draft ordinances are attached. I will be at your meeting if you have any questions/concerns/comments.

There are two meetings coming up about Spit issues. See attached flier.

## **Attachments**

1. Meeting flier for March 20<sup>th</sup> and 28<sup>th</sup>
2. Draft Ordinance amending the Marine Commercial and Marine Industrial Zoning Districts
3. Draft Ordinance amending the zoning map on the Spit



**City of Homer**  
**Planning & Zoning**  
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Homer, Alaska 99603-7645

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*Web Site* [www.ci.homer.ak.us](http://www.ci.homer.ak.us)

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## **Please Join Us!**

There are changes planned for the Spit! This letter is to notify you of two meetings.  
Both meetings will be held at Homer City Hall, in the Council Chambers.

- 1. Wednesday March 20<sup>th</sup>, 6:30 PM:** Public hearing to take testimony on proposed zoning code and zoning map changes on the Spit. The Homer Advisory Planning Commission will hold a public hearing on three proposals: Changes to the zoning map, and changing the land use regulations for the Marine Industrial and Marine Commercial Zoning Districts. Planning staff would be happy to discuss your property and how the changes would affect you. For more information please contact Rick Abboud or Julie Engebretsen at 235-3106, or email [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us).
  
- 2. Wednesday March 28th at 4:00 pm:** Neighborhood meeting to take comments on the proposed Spit Trail construction. The Spit Trail will be completed during summer 2013 and 2014, and two new restrooms will be built this year. There are several other harbor construction projects planned for the upcoming construction season. This is your chance to learn about them and make comments. A Port and Harbor Advisory Commission meeting follows immediately after at 5:00 pm if you'd like to make formal comments. For more information please contact Dan Nelson or Carey Meyer at 235-3170, or email [publicworks@ci.homer.ak.us](mailto:publicworks@ci.homer.ak.us)

**Website:** <http://www.cityofhomer-ak.gov/planning> Click on Spit Changes 2013.

## **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, March 20, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matters:

An amendment to the official Homer City Zoning Map to rezone portions of the Marine Industrial, Marine Commercial, Open Space Recreational, and Conservation Districts as required by HCC 21.95.060. *See next page for legal description of properties affected and corresponding zoning change. A map of the Homer Spit depicting the changes is also included.*

An amendment to Homer City Code §21.03.040 to add a definition of lodging; amending Homer City Code §§21.28.020, 21.28.030, 21.28.040 and 21.28.070, regarding the Marine Commercial Zoning District; amending Homer City Code §§21.30.020, 21.30.030, 21.30.040 and 21.30.070, regarding the Marine Industrial Zoning District; and adopting Homer City Code §21.50.040, Site Development Standards - Level 3, to implement the Homer Spit Comprehensive Plan.

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 including the complete proposals available for review, please contact Julie Engebretsen or Rick Abboud at the City Planning and Zoning Office, 235-3106.



# Legal Descriptions and Proposed Zoning Changes

Street Address	Legal Description	Proposed Zoning Change
	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD	Marine Industrial to Open Space Recreation
3347 HOMER SPIT RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 2	Marine Industrial to Marine Commercial
	T 6S R 13W SEC 27 SEWARD MERIDIAN HM PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY	Marine Industrial to Open Space Recreation
HOMER SPIT RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 14 LYING SOUTHWEST OF THE HOMER SPIT RD	Marine Industrial to Open Space Recreation
	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 2	Marine Industrial to Open Space Recreation
1920 HOMER SPIT RD	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 7 LYING NORTH OF HOMER SPIT RD	Marine Industrial to Conservation
1114 FREIGHT DOCK RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-C	Marine Industrial to Marine Commercial
3351 HOMER SPIT RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 3	Marine Industrial to Marine Commercial
4350 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 28	Marine Industrial to Marine Commercial
4470 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-3	Marine Industrial to Marine Commercial
	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD	Marine Industrial to Conservation
3789 HOMER SPIT RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 4	Marine Industrial to Marine Commercial
3343 HOMER SPIT RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0900048 HOMER SPIT THREE SUB LOT 1	Marine Industrial to Marine Commercial
4348 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 29	Marine Industrial to Marine Commercial
	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 6 LYING NORTH OF HOMER SPIT RD	Marine Industrial to Conservation
4535 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 50	Split lot, Open Space Recreation to Marine Industrial
4400 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT AMENDED LOT 32	Marine Industrial to Marine Commercial
	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA	Marine Industrial to Marine Commercial
4390 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 30	Marine Industrial to Marine Commercial
3978 HOMER SPIT RD	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-B	Marine Industrial to Marine Commercial
4460 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-2	Marine Industrial to Marine Commercial
4786 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990018 LANDS END SUB NO 2 AMENDED LOT 24-C-1	Split lot, Marine Industrial to Marine Commercial
4474 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4	Marine Industrial to Marine Commercial
4406 HOMER SPIT RD	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMD LOT 88-1	Marine Industrial to Marine Commercial
	T 6S R 13W SEC 34 SEWARD MERIDIAN HM PORTION GOVT LOT 1	Marine Industrial to Open Space Recreation
	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1	Marine Industrial to Open Space Recreation



Vicinity Map  
Proposed Zoning Map Changes on the Spit

**Legend**

MI = Marine Industrial  
 MC = Marine Commercial  
 OSR = Open Space Recreation

**Parcels**

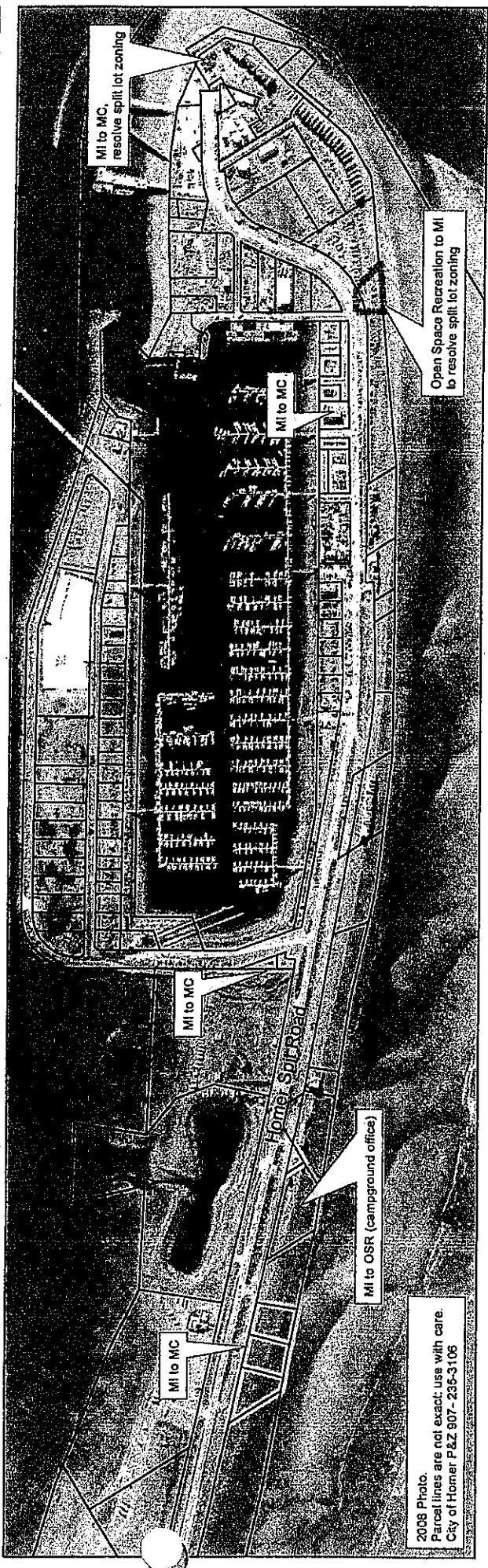
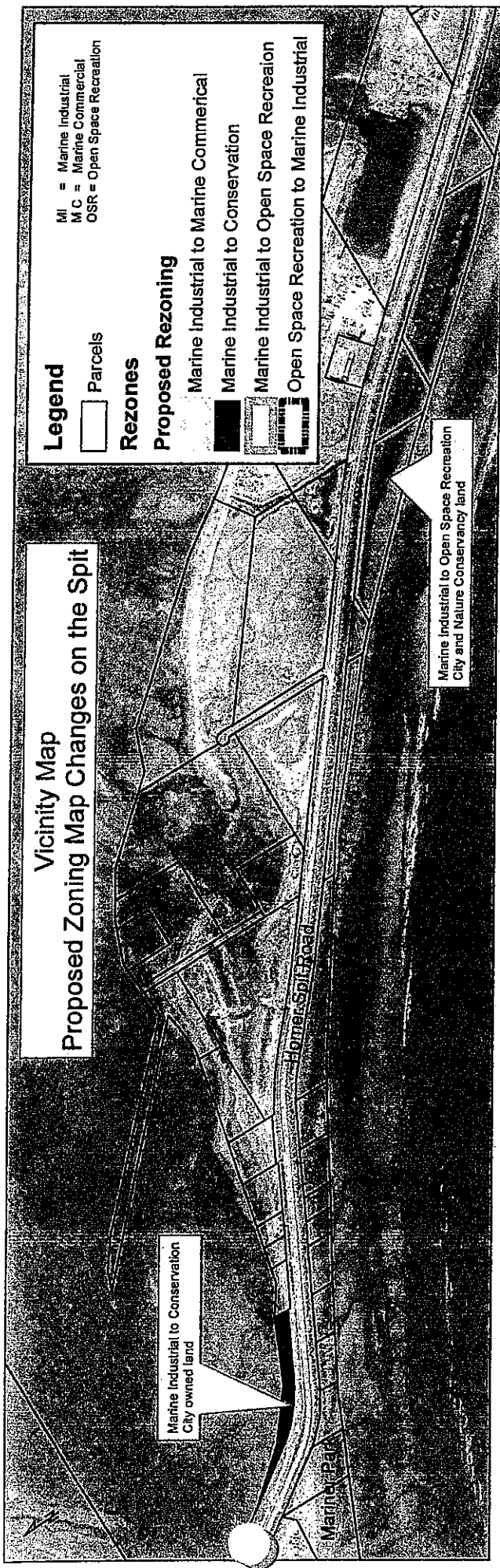
**Rezones**

**Proposed Rezoning**

- Marine Industrial to Marine Commercial
- Marine Industrial to Conservation
- Marine Industrial to Open Space Recreation
- Open Space Recreation to Marine Industrial

Marine Industrial to Conservation  
City owned land

Marine Industrial to Open Space Recreation  
City and Nature Conservancy land



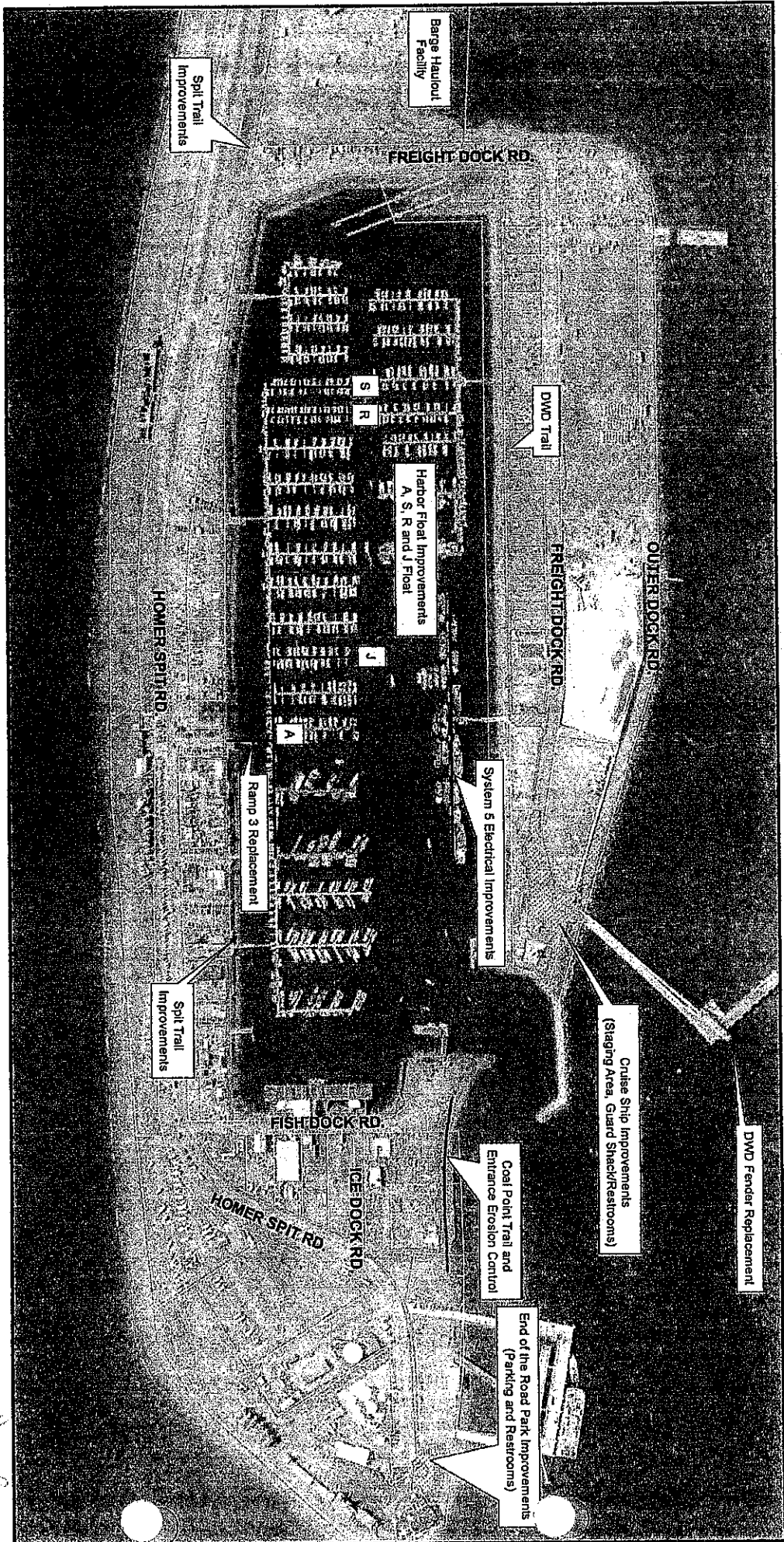
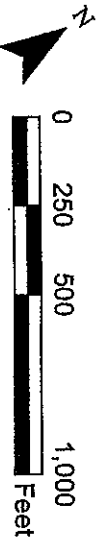
2008 Photo.  
 Parcel lines are not exact; use with care.  
 City of Homer P&Z 907-235-3105

City of Homer  
Spit Improvements 2013

**Legend**

PROPOSED TRAIL

PROPERTY LINE



ECONOMIC DEVELOPMENT ADVISORY COMMISSION  
REGULAR MEETING  
MARCH 12, 2013

- It could be more successful to email individuals and ask if they would help with our project and fill out the survey.
- Artists make up a large group of business owners, and including that category will pick up a lot of people.
- Another goal is to help find ways to serve this population's needs.
- There are two tiers of businesses, those just starting out and people who have been in business for years.
- One way to define it could be those whose products are going out over the web versus only being sold locally.
- Ask about challenges business owners have, list some options like access to capital and specialized education, and leave a space to fill in.
- Ask about general qualities are important to a business owner. Mobile businesses can go anywhere so what is important, band width or glaciers?
- Needs will vary between businesses that offer tangible items and businesses that offer a service.
- A definition of the focus group could be those whose primary service is going out through the internet.

Mrs. Koester said she would work through the information they discussed and bring back a new draft at the next meeting.

#### **NEW BUSINESS**

A. Memorandum from Planning Technician Engebretsen Re: Zoning Code and Zoning Map changes on the Homer Spit

Planning Technician Engebretsen provided an overview of the proposed changes to the zoning on the Homer Spit that the Planning Commission has been working on. The goal of the amendments is to better separate what is industrial and what is commercial. Marine industrial uses will stay clustered in proximity to the ice plant. Going up the spit from the ice plant there will be a better mixture of commercial uses. It also includes changes to allow overnight accommodations in accordance with certain health and safety requirements specific to whether it is for an owner, employee, or overnight rental to the public.

There was brief discussion about the draft, and no recommendations were proposed.

B. Memorandum from Planning Technician Engebretsen Re: Spit Trail Construction

Planning Technician Engebretsen reviewed the plans for the spit trail improvements.

The Commission commented favorable about the overall concept and no recommendations were proposed.

C. Land Allocation Plan

a. Memorandum from Planning Technician Engebretsen

The commission reviewed the land allocation plan and agreed by consensus that the area known as End of the Road Park be designated as park.





**City of Homer**  
**Planning & Zoning**  
491 East Pioneer Avenue  
Homer, Alaska 99603-7645

*Telephone* (907) 235-3106  
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*E-mail* [Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
*Web Site* [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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**STAFF REPORT PL 13-06**

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** January 16, 2013  
**SUBJECT:** Marine Industrial/Marine Commercial Rezoning.

**Requested Action:** Discuss the possible zoning map changes, and draft district performance standards.

**Introduction**

This staff report will address two topics: possible areas for rezoning, and changes to performance standards in the text of the Marine Commercial and Marine Industrial Districts.

The goal of all these changes to the district text and zoning map, is for the zoning regulations to align with the Comprehensive Plan, current uses, and desired long term land use.

**Analysis**

Rezoning

The rezones shown in the attached maps, and described below, are based on the Spit Comprehensive Plan, and the draft Marine Industrial and Marine Commercial zoning ordinances. These changes are a draft only; the Commission can consider other zoning options. When the Commission reaches consensus, staff will follow the public notice process outlined in city code.

This staff report follows the spit from base to tip, discussion the draft rezoning.

**MAP 1**

1. Mud Bay area. There are three pieces of City owned property that staff recommends a change from Marine Industrial to Conservation Zoning. There is little if any land that is developable; its all tidal and seaward of the Spit Trail.
2. On the Cook Inlet side of the Spit, rezone three city parcels and one parcel owned by The Nature Conservancy from Marine Industrial to Open Space Recreation.

**MAP 2**

3. Rezone four private lots on the Cook Inlet side of the Spit from Marine Industrial, to Marine Commercial.
4. Rezone the city campground office lot from Marine Industrial to Open Space Recreation.
5. Rezone two lots on Freight Dock road to MC.

6. Rezone nine lots along the harbor, from the Harbormaster's Office to Fish Dock Road, from Marine Industrial to Marine Commercial.

#### **Split Lot Rezoning**

There are two lots on the Spit that have split lot zoning. This occurs when the zoning boundary does not follow property lines. Under Home City Code, zoning boundaries generally should follow lot lines, and the centerline of the right of way. Historically its not clear why they are split, or if was simply the result of the cartography at the time. Using the original zoning information and current property lines results in lots with split zoning. Staff recommends the following:

7. Rezone a portion of the Spit Campground, next to Seafarer's Memorial, from Open Space Recreation to Marine Industrial.
8. Rezone the edge of Lands' End Hotel/Resort from Marine Industrial to Marine Commercial.

#### **District text changes**

At the last work session, staff recommended some changes to the landscaping and storm water regulations on the Spit. Attached is a draft of the site development requirements that would be required in Marine Industrial and Marine Commercial. Currently they are both subject to level two standards, found in 21.50.030. Based on the Commission's discussion, staff took the existing zoning regulations, and cut them down to what might make more sense for the Spit. There are no city storm water requirements and the landscaping requirements are more flexible.

#### **Staff Recommendation**

##### **Planning Commission**

1. Discuss the rezoning areas and provide comments to staff
2. Discuss the proposed level three site development standards and provide comments

#### **Attachments**

1. Proposed rezone map dated 1/16/2013
2. Proposed level three site development standards dated 1/16/2013



1 1/16/2013 DRAFT

2

3 21.50.040 Site Development Standards - Level 3

4 This section establishes level three site development standards. Level three standards apply when  
5 specified by the applicable zoning district regulations or by another provision of the code.

6 a. Site Development.

- 7 1. Development shall not adversely impact other properties by causing damaging alteration of  
8 surface water drainage, surface water ponding, slope failure, erosion, siltation, or root damage to  
9 neighboring trees, or other adverse effects.
- 10 2. Upon completion of earthwork, all exposed slopes, and all cleared, filled, and disturbed soils  
11 shall be protected against subsequent erosion by methods, such as, but not limited to,  
12 landscaping, planting, and maintenance of vegetative cover.
- 13 3. All development shall provide a drainage system that is designed to deposit all runoff into  
14 either an engineered drainage system or into a natural drainage.

15 b. Landscaping Requirements. All development shall conform to the following landscaping  
16 requirements:

- 17 1. Landscaping shall include the retention of native vegetation to the maximum extent possible  
18 and shall include, but is not limited to, the following:

19 a. Buffers:

- 20 i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a  
21 single use is contiguous across common lot lines, such as, but not limited to, shared driveways  
22 and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.
- 23 ii. In addition to the types of plantings listed in the definition of landscaping in HCC 21.03.040,  
24 landscaping may include planter boxes and hanging basket plantings. Landscaping may include  
25 substitution of durable outdoor art, or amenities for public use such as bike racks, benches, trash  
26 receptacles and information kiosks, for part of the required landscaping in an amount of equal  
27 area required for landscaping.

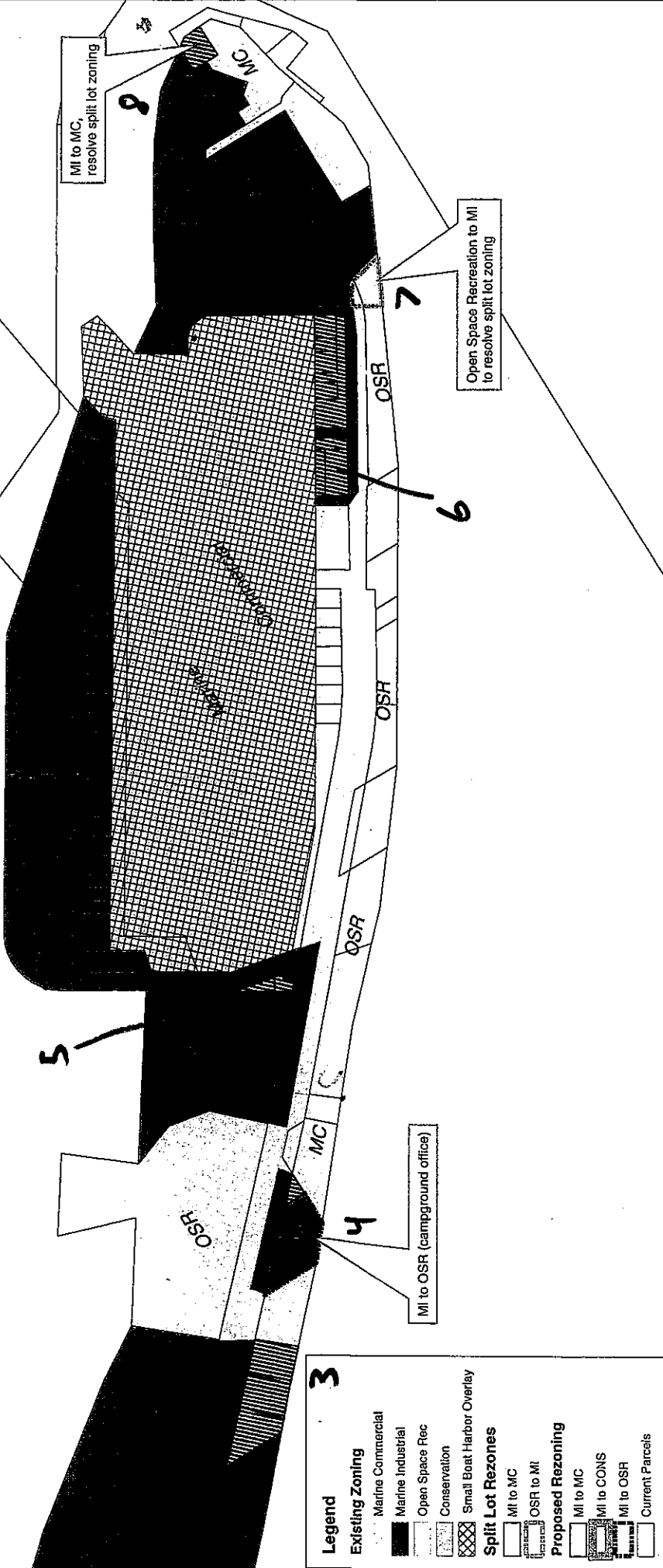
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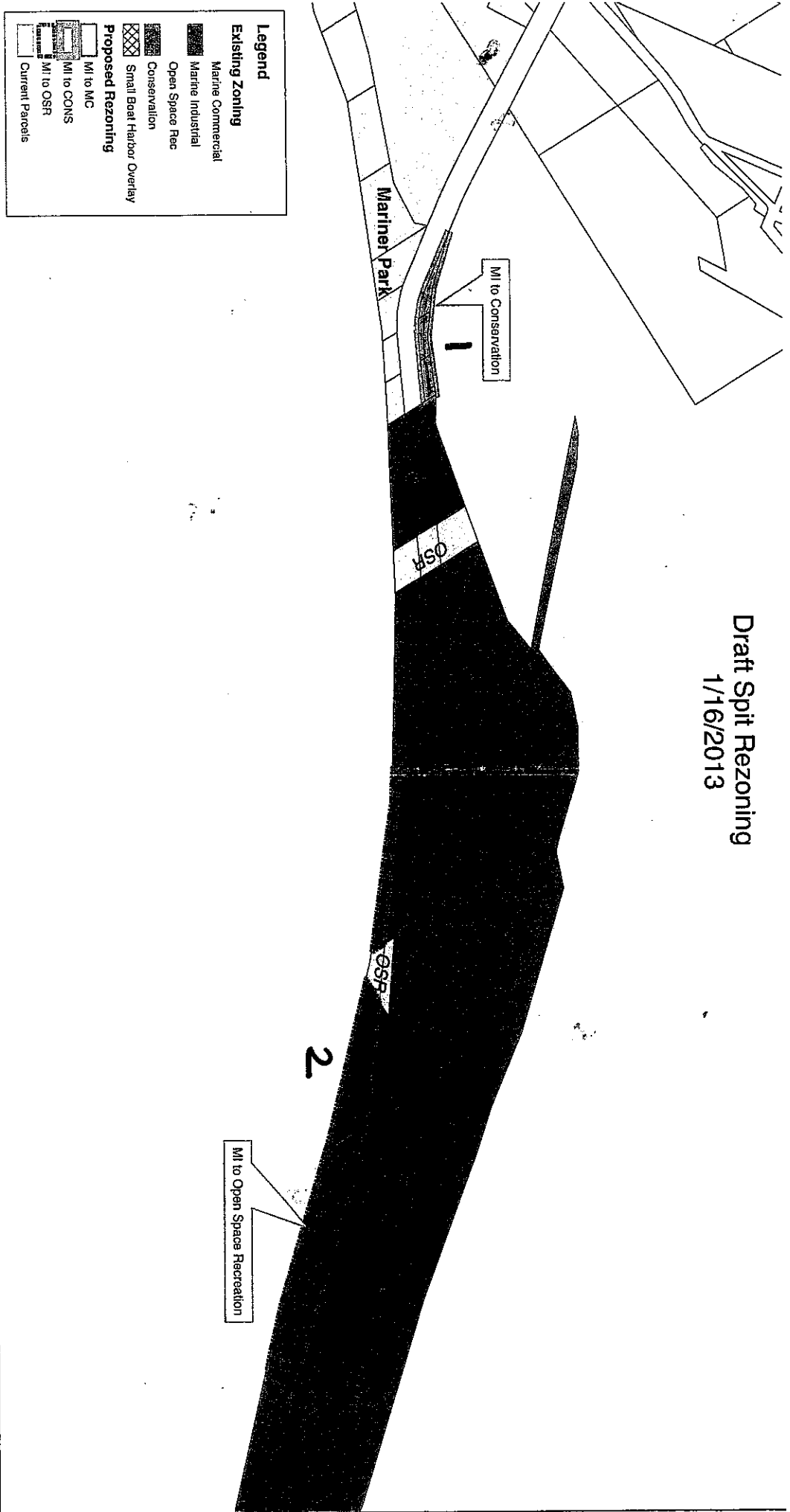
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Draft Spit Rezoning  
1/16/2013



Map 2

Draft Spit Rezoning  
1/16/2013



**Legend**

**Existing Zoning**

- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Small Boat Harbor Overlay

**Proposed Rezoning**

- MI to MC
- MI to COHS
- MI to OSR
- Current Parcels

Map 1

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JANUARY 16, 2013

The Commission acknowledged the conflict of the cistern and what warrants public water. Homer does have a unique situation all over. They asked questions of staff and Mr. Nelson about the potential of an exception to the rule and allow the smaller lot size because the residence is serviced by a cistern and not a well. They struggled with how to stay within the code specifications and how to consider cisterns in relation to type of water supply. Some commissioners expressed that that delivering city water to a cistern should be considered a public water supply, and others suggested that once city water goes into a truck for a business to deliver for a fee, it's no longer a public water supply. It was also questioned whether another configuration of the lot lines is feasible to meet the requirement in code. It was further suggested that there may be more information of how to address the public water issue through court records if there was more time to research it.

SLONE MOVED TO POSTPONE TO THE NEXT MEETING.

The motion failed for lack of a second.

The Commission continued to reiterate the best way to work with the property owner and stay within the parameters lined out in code. City Planner Abboud reminded them that this will go to the Borough for final review and determination.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-03, PARADISE SOUTH SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no additional discussion.

VOTE: YES: BOS, SONNEBORN, VENUTI  
NO: STEAD, HIGHLAND, SLONE

Motion failed for lack of a majority.

City Planner Abboud said that the staff report and minutes from tonight's meeting will be provided to the Borough for their information when they consider the plat.

Chair Erickson returned to the table.

The Commission expressed they would like to address this issue with how to consider cisterns for future actions that come before the Commission.

**PENDING BUSINESS**

A. Staff Report PL 13-06, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission reviewed the information and provided comments to staff at the worksession and revisit it in March.

B. Staff Report PL 13-02, Lighting

The Commission watched a short video via youtube.com at their worksession. It was noted that the lighting information in the code applies to Commercial buildings and suggestion was raised that

oo

do



**City of Homer**  
**Planning & Zoning**  
491 East Pioneer Avenue  
Homer, Alaska 99603-7645

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**MEMORANDUM 13-**

**TO:** Port and Harbor Commission  
**FROM:** Rick Abboud, City Planner  
**DATE:** January 16, 2013  
**SUBJ:** Marine Commercial and Industrial Zoning

The Planning Commission has been working on revisions to the text of the Marine Commercial and Marine Industrial zoning Districts. Your input is important to the Planning Commission and I will include any other developments in your next packet. Thanks for your time!

**Attachments:**

1. Staff Report 13-06, from 1/16/13 HAPC meeting
2. Draft Marine Commercial Ordinance
3. Draft Marine Industrial Ordinance





PORT AND HARBOR ADVISORY COMMISSION  
REGULAR MEETING  
JANUARY 23, 2013

Harbormaster Hawkins explained that the 5000 square foot size was established by the folks who drew up the plans, they came and spent some time at the current office and then drafted the concept. It accommodates what they have now and provides some room to grow in the future. Harbor staff did not provide feedback specific to this concept drawing.

It was reiterated that they are only making a recommendation regarding the concept of the harbormaster's office and preferred location, not about funding at this time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Memorandum to Port and Harbor Commission from City Planner Abboud Re: Marine Commercial and Industrial Zoning

City Planner Abboud addressed the Commission regarding his staff report.

Question was raised about whether changing the zoning would cause lessees to move or go out of business when their leases are up. City Planner Abboud responded that it will have to be addressed through nonconformity until they expand or replace the structures. Theoretically it could be rented out again if it's the same activity in the same space.

City Planner Abboud reviewed the draft zoning map for the spit compared to the current zoning. It was noted that if the zoning is industrial in the area where there may be mooring and barges, a little bit of commercial area would be fine to accommodate an industrial supply store for example.

There were comments in relation to challenges of over slope development and challenges of parking and access. If over slope becomes an option perhaps a lot can be included to address access and parking.

They also addressed drainage. It was suggested that site development standards could be removed. It creates a lot of extra costs for someone developing something, as there aren't a lot of drainage issues other than the low spots that are full of water now. City Planner Abboud explained that if there is a large development out there, it shouldn't flood or pollute the neighbor's lot or surrounding lands. If there is a giant parking lot, it need to be established what happens to the run off, it can't go untreated or into the harbor. It isn't happening now, but an as an example for the new restroom and facility for the cruise ships there will be a lot of pavement associated with it. It will create a sheeting of water that if left untreated would go into the harbor or bay, or onto someone's lot. Hopefully there will be uncomplicated options like swales and grass to filter the run off. There was discussion about drainage issues and way to address them.

In regard to the effect of changing zoning to the kayak launch City Planner Abboud said it is a water dependent activity, and they will ensure that the industrial zoning includes parks.

**INFORMATIONAL ITEMS**

- A. Monthly Statistical & Performance Report December 2012
- B. Weekly Crane and Ice Report





# 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](mailto:Planning@ci.homer.ak.us)  
*Web Site* [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

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## MEMORANDUM

May 10, 2012

**TO:** Economic Development, Port and Harbor and Parks and Recreation Advisory Commissions  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Homer Advisory Planning Commission  
**SUBJECT:** Implementing the Comprehensive Plan

Recently the City of Homer adopted a Comprehensive Plan. The Planning Department facilitated the creation of the plan, which all of you were encouraged to contribute to its formation. Once approved by the City Council and accepted by the Kenai Peninsula Borough, it is expected that we as a city and you as representatives of various commissions and committees should have a hand in seeing that the various goals and objectives are evaluated and acted upon.

It is not expected that every implementation item might come to fruition in the plan timeframe, but we hope that most will. Perhaps some of the suggestions are just not ready for implementation yet and some might be examined and changes suggested for the next review and amendment in the next 5 years. As a commission or committee, you should be familiar with the various sections that you helped to write and should plan actions to see that help fulfill your goals. The Planning Commission has been doing just that. Just recently, we have created a mixed-use district to encourage a wide range of commercial activities along East End Road and we amended code to allow for additional residential infill by allowing some second residences to be permitted outright. The Planning Commission is now starting to review plan suggestions for the Spit and would like to encourage your participation.

We are developing a schedule for review, below is a rough timeline of upcoming tasks. City staff will provide updates to each Commission periodically on the progress and seeks to provide opportunity for input.

Short term: 1 Year

Midterm: 2 Years

Long term – over the next 5 years

### Short term:

- Rezone the area between the harbormaster's office and ice dock road to Marine Commercial.
- Revise the Marine Commercial zoning district code (permitted and conditional uses).
- Revise Marine Industrial zoning district code. (Midterm?)

*Ongoing City /Staff tasks:* ROW MOU with the state, implement parking plan for fee and short term parking during the summer, Spit trail extension, other harbor improvements such as restrooms, cruise ship related improvements, trail along the edge of the harbor, etc.

**Midterm:**

- Examine the zoning on both sides of Homer Spit Road between Bob's Trophy Charters, and the Heritage RV Park, and rezone to Marine Commercial based on needs and comp plan recommendations.
- Rezone the city owned lots at the base of the Spit on the Mud Bay side from MI to OSR
- Review Spit zoning districts for screening requirements, landscaping and storm water concerns
- Based on the success or failure of increased parking regulations, review and revise spit parking standards (ongoing)

**Long Term:**

- Site Planning for Pier 1 lot

B. Staff Report – Julie Engebretsen, Planning Technician/GIS

Ms. Engebretsen summarized her report for the record and responded to a few questions from the Commissioners regarding items not on the agenda. Ms. Engebretsen noted that she is hoping to provide the requested information for this meeting at the June meeting after the playground is built.

She commented on the work starting on the Spit Comprehensive Plan by the Planning Commission.

C. Parks Maintenance – Angie Otteson

Ms. Otteson provided a brief update on the repainting of Ben Walters Park restroom, they have started mowing, beautification letters went out, the green house is full and planting is scheduled for June 2, 2012. Summer camping has started and she should have a full crew in a week. She has provided information on signage but wanted to comment that there is limited signage in most parks and that is something that could be discussed and included in this budget talk for 2013.

Ms. Otteson responded to some questions and comments on Adopt a Park program offers and agreed to speak to the Rotary members thanking them for their efforts in the Adopt a Park Program. The Information Kiosk will be installed as soon as possible near the restroom and Memorial Garden.

She noted that Public Works is aware that the structure on the Spit used for a Picnic shelter is in need of repair. The commission expressed concern and liability to the City if it fell while in use. She did note that there is no universal standard on signage for parks however there is the standard of welcome to the park and directing the visitors to various areas within the park. She did note that Karen Hornaday would be a great place to start; another consideration was Jack Gist Park had no signage. She responded that pedestrian traffic has priority but vehicular traffic is not prohibited on Bishop's Beach to the east.

D. Kachemak Drive Path Committee Report – Bumpo Bremicker

Chair Bremicker commented that the revised resolution on the Path went back before Council and the Council rejected that one and amended the original resolution striking references to construction. Chair Bremicker noted that the Council still has concerns regarding costs, maintenance and right of way issues plus recommendation from the Transportation Advisory Committee. He has some concerns and really needs to have staff help the committee on this issue.

A brief discussion on some of the additional requirements requested from Council ensued.

F. Advisory Planning Commission – Memorandum dated May 10, 2012 Re: Implementing the Comprehensive Plan

Ms. Engebretsen stated this was advisory from the Planning Commission to all the city commissions who would be interested and if there are issues on the Spit regarding recreation and parks then it will be sent to this commission.

**PUBLIC HEARINGS**

A. Jack Gist Park – Land Use Agreement and Permit

Chair Bremicker opened the Public Hearing. He asked for information from staff regarding the document before them.

Mike Illg, Recreation Specialist introduced the item and why it was brought forward to the Commission.





# City of Homer

## Planning & Zoning

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### STAFF REPORT PL 12-17

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** May 2, 2012  
**SUBJECT:** Staff Report 12-17, Spit Comprehensive Plan Implementation

Staff has prepared an outline for implementing the Spit Comprehensive Plan. There are short term, midterm, and long term tasks. Staff would like the Commission's comments on the outline. Staff will then share the outline with other Commissions such as the Economic Development, Port and Harbor, and Parks and Recreation. We'd like to make it easier for other entities in the city to be informed!

Short term: 1 Year

Midterm: 2 Years

Long term – over the next 5 years

#### Short term:

- Rezone the area between the harbormaster's office and ice dock road to Marine Commercial.
- Revise the Marine Commercial zoning district code (permitted and conditional uses).
- Revise Marine Industrial zoning district code. (Midterm?)

*Ongoing City /Staff tasks:* ROW MOU with the state, implement parking plan for fee and short term parking during the summer, Spit trail extension, other harbor improvements such as restrooms, cruise ship related improvements, trail along the edge of the harbor, etc.

#### Midterm:

- Examine the zoning on both sides of Homer Spit Road between Bob's Trophy Charters, and the Heritage RV Park, and rezone to Marine Commercial based on needs and comp plan recommendations.
- Rezone the city owned lots at the base of the Spit on the Mud Bay side from MI to OSR
- Review Spit zoning districts for screening requirements, landscaping and storm water concerns
- Based on the success or failure of increased parking regulations, review and revise spit parking standards (ongoing)

#### Long Term:

- Site Planning for Pier 1 lot





## NEW BUSINESS

- A. Staff Report PL 12-15, Reappointment of Roberta Highland to the Transportation Advisory Committee

ERICKSON/VENUTI SO MOVED TO RECOMMEND REAPPOINTMENT OF COMMISSIONER HIGHLAND TO THE TRANSPORTATION ADVISORY COMMISSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 12-19, Flag Lot Regulations

Chair Minsch stated the Commission discussed flag lot regulations at the worksession and gave feedback to staff for consideration at a later date.

- C. Staff Report PL 12-17, Spit Comprehensive Plan Implementation

City Planner Abboud reviewed the staff report.

Discussion ensued regarding parking, trails, cruise ship improvements, bathroom locations, the Pier One Theater, and the campground areas. Point was raised that it would be beneficial for the Commissioners to stay current with Port and Harbor Advisory Commission minutes to learn about issues they are discussing.

## INFORMATIONAL MATERIALS

- A. City Manager's Report dated April 23, 2012  
B. Corps of Engineers Permit dated April 6, 2012 regarding the Ocean Drive Loop Seawall Maintenance

The Commissioners and staff discussed the letter provided from the resident on Golden Plover regarding slope issues with the development in the area, Dr. Marley's park proposal, and the gas line update.

## COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Larry Slone, city resident, commented that based on Dr. Marley's demeanor he came with an expectation that the Commission was going to render some sort of comment as a body, rather than listen passively. He agrees that, out of courtesy, a letter to Dr. Marley would be appropriate. Personally he is against the project; the property isn't adequate for what is being proposed. He said he was set back a bit to hear that Planning Commissioners weren't reading other commission's meeting minutes. He thinks it would be a necessity of the job to keep abreast of what is going on with the other commissions.



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-13**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Online With Libraries (OWL) Grant from the Alaska State Library in the Amount of \$5,906.00 for the Purpose of Acquiring Two Early Literacy Stations and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting April 22, 2013 Introduction
  - a. OWL Grant Application



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager/Library Director

4 **ORDINANCE 13-13**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
7 ALASKA, ACCEPTING AND APPROPRIATING AN ONLINE  
8 WITH LIBRARIES (OWL) GRANT FROM THE ALASKA  
9 STATE LIBRARY IN THE AMOUNT OF \$5,906.00 FOR THE  
10 PURPOSE OF ACQUIRING TWO EARLY LITERACY  
11 STATIONS AND AUTHORIZING THE CITY MANAGER TO  
12 EXECUTE THE APPROPRIATE DOCUMENTS.

13  
14 WHEREAS, The Homer Public Library has received an OWL grant to fund two early  
15 literacy stations; and

16  
17 WHEREAS, The grant is in the amount of \$5,906.00 and will be used for software and  
18 equipment for the early literacy stations.

19  
20 NOW, THEREFORE, the City of Homer Ordains:

21  
22 Section 1. That the City Council hereby accepts and appropriates an Online With  
23 Libraries (OWL) grant for two early literacy stations as follows and hereby authorizes the City  
24 Manager or his designee to execute the appropriate documents:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
157-799	OWL Grant	\$5,906.00
Expenditure:		
157-799	Early Literacy Stations	\$5,906.00

25  
26  
27  
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29  
30  
31  
32 Section 2. This ordinance is a budget amendment only, is not of a permanent nature and  
33 is a non code ordinance.

34  
35 PASSED AND ENACTED by the Homer City Council this \_\_\_\_ day of \_\_\_\_\_,  
36 2013.

37  
38 CITY OF HOMER

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42 \_\_\_\_\_  
43 MARY E. WYTHE, MAYOR

44 ATTEST:

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46 \_\_\_\_\_  
47 JO JOHNSON, CMC, CITY CLERK  
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Introduction:  
Public Hearing:  
Second Reading:  
Effective Date:

Ayes:  
Noes:  
Abstain:  
Absent:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt E. Wrede City Manager

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

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

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

Fiscal Note: Fiscal information included in body of Ordinance.

**Alaska OWL (Online With Libraries) Project  
EARLY LITERACY HARDWARE AND SOFTWARE GRANT  
APPLICATION  
PAGE 1**

**DUE: April 6, 2013**

1. Library Name: Homer Public Library
2. Address: 500 Hazel Avenue  
 City: Homer, AK Zip: 99603
3. Contact Person: Ann Dixon 4 Phone No: 907-435-3151
5. Fax No: 907-235-3136 6 E-mail: adixon@ci.homer.ak.us
7. Warrant Mailing Address: 491 E. Pioneer Ave., Homer, AK 99603
8. List the hardware and/or software you plan to purchase with the Early Literacy Hardware and Software Grant

Hardware/Software Description:	Estimated Cost
2 AWE Early Literacy Station (including software and 3 year standard warranty) – No internet capability - Group quote @ \$2,835 ea.	\$5670.00
2 Audio Y Splitter (for simultaneous use by parent & child) @ \$3.00	\$6.00
4 AWE Headphones w/ volume control @\$20.00 ea.	\$80.00
<b>SUBTOTAL</b>	<b>\$5756.00</b>
Shipping (est.)	\$150.00
<b>TOTAL:</b>	<b>\$5906.00</b>

9. Briefly describe how this hardware and/or software will enhance public access computing in your library.  
 Many parents and children “hang out” in our children’s room because it is a pleasant and comfortable place for them to be. We have been looking for resources to engage young children, both on their own and with adults, in age-appropriate learning activities. We currently have three computers in the children’s area: one OPAC and two with Internet access. The Internet access computers tend to be monopolized by older children and adults. Also, we find that although many young children are interested in computers and want to use them, our regular computers are not designed for their developmental level. Early literacy stations dedicated to our youngest patrons would provide age-appropriate learning experiences currently lacking in our library. We anticipate that these stations will be heavily used before and after our weekly Story Time and Lapsit programs, as well.

**HARDWARE AND SOFTWARE ENHANCEMENT GRANT  
GRANT AGREEMENT  
PAGE 2**

Whereas, the State of Alaska has received funds from the US Department of Commerce for Alaska OWL grants; and Whereas, the application of the Grantee for an Early Literacy Hardware and Software grant has been approved. NOW THEREFORE, for and in consideration of the mutual covenants herein contained the parties hereto agree as follows:

A. The Alaska State Library agrees to:

1. Furnish funds in the amount of \$5906.00

B. The Grantee Library, (insert Library Name) Homer Public Library

agrees to:

1. Abide by the conditions set forth in the application and approved by the Alaska State Library.
2. Place orders by April 30, 2013
3. Provide a report of average daily usage by September 1, 2013
4. Maintain accurate records for auditing purposes.
5. Credit the Alaska OWL Project and the Rasmuson Foundation in all publicity and advertising concerning the impact of this grant project.
6. Attach Alaska OWL labels to all hardware components and cords and credit the Alaska State Library and the U.S. Department of Commerce as appropriate.

The source of funding for this agreement is as follows:

**FY2013 U.S. Department of Commerce BTOP Grant**

**\$5.3 million**

By accepting this award or agreement, the grantee may become subject to the audit requirements of State of Alaska Administrative code 2 AAC 45.010. As a result, the grantee may be required to provide for an audit and to permit independent auditors to have access to their records and financial statements. The grantee should consult with an independent auditor for assistance in determining audit requirements for each fiscal year.

The undersigned understands and agrees to the conditions of this agreement.

**Note: Grant agreement MUST have both signatures**

For the Library:

For the Legal Entity:

Ann Dixon

Walt Wrede

Print or Type Name

Print or Type Name





Signature

Signature

Library Director

4/5/2013

City Manager

4/7/13

Title

Date

Title

Date

*Questions? Contact Sue Sherif, 800-776-6566*

*Return form to: Alaska OWL Project ATTN. Hunter Dean, Alaska State Library,  
344 West Third Avenue, Suite 125, Anchorage, AK 99501*

**PLEASE PHOTOCOPY BOTH PAGES OF THIS FORM FOR YOUR RECORDS!**



# MEMORANDUM

## Alaska Department of Education & Early Development

**To:** Directors of Public Library  
**Date:** March 13, 2013

**From:** Sue Sherif  
Alaska State Library  
Library Development, Head  
Alaska OWL (Online With Libraries) Project  
Director  
**Subject:** Early Literacy Hardware and  
Software Enhancement Grant  
Announcement and Instructions

The Alaska State Library is offering the Early Literacy Hardware and Software grant program. The grant is designed to increase the availability and quality of public computing services in public libraries and to promote digital literacy for 4-8 year olds. This grant is made possible through the U.S. Department of Commerce Broadband Technology Opportunity Program Alaska OWL Project grant.

This grant is a one-time only, non-competitive grant available to interested public library outlets in good standing with the State Library's Public Library Assistance program. This Early Literacy grant may be used to purchase the requested AWE station hardware and software as long as the purchased equipment is dedicated to public use. Shipping costs are estimates and are the basis for the shipping costs in the award.

### **Instructions for filling out the grant application:**

#### **I. Grant Eligibility**

Libraries eligible are ones that are active members of the Alaska OWL Network, that offer specialized youth services program year-round, and have requested AWE early childhood station hardware and software.

#### **II. Allowable grant purchases and purchasing instructions**

This grant follows the advice of the Department of Education and Early Development procurement officer and is specifically designed to provide the hardware and software described above.

**The grant will not provide a browser nor will it apply to warranty extensions or upgrades.** These may be purchased separately from the vendor. The only warranty included is the 3-year standard warrantee that is included in the early literacy station purchase price. It does not include an optional printer or any headphones besides the ones specified in the application.

If you have questions about the grant or the stations to be purchased, please call Sue Sherif at 800-776-6566 or 269-6569 in Anchorage. We very much regret the State Library will not be able to provide any technical advice or assistance in support of the machines.

All hardware and software purchases with these grant funds must be made by April 30, 2013 and payment must be completed by June 15, 2013. **Please retain all proof of purchase documents such as receipts because you will be asked to provide a copy upon submission of the grant final report on June 30, 2013.**

### III. Timeline for Staying Connected Enhancement Grants

**Your application must be postmarked by April 6, 2013.** Both signatures are required and a brief answer to Item 9 must be provided. Fax or scan your application and then send the original signature pages to us by mail to follow.

After the State Library has received your application, we will only contact you if we have any questions or concerns about your application. Please expect to receive your grant check in April, 2013.

All applications should be sent attached to email or by mail to:

Alaska OWL Early Literacy Stations ATTN: Hunter Dean  
Alaska State Library  
344 West Third Avenue, Suite 125  
Anchorage, AK 99501  
Email: [eed.owl@alaska.gov](mailto:eed.owl@alaska.gov) or [hunter.dean@alaska.gov](mailto:hunter.dean@alaska.gov)  
Phone: (907)269-4606

The State Library is very pleased that the Alaska OWL Project can respond to library requests for early literacy learning stations as a part of its goal of enhancing digital literacy throughout Alaska.



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-14**

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Operating Budget by Appropriating \$54,416.00 from the Port and Harbor Reserve Fund for Repairs to Deep Water Dock, Pioneer Dock, Fish Dock, C Float, and the Outfall Line.

Sponsor: City Manager/Port and Harbor Director

1. City Council Regular Meeting April 22, 2013 Introduction
  - a. Memorandum 13-056 from Port and Harbor Director as backup



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager/  
4 Port and Harbor Director

5 **ORDINANCE 13-14**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
8 ALASKA, AMENDING THE FY 2013 OPERATING BUDGET  
9 BY APPROPRIATING \$54,416.00 FROM THE PORT AND  
10 HARBOR RESERVE FUND FOR REPAIRS TO DEEP WATER  
11 DOCK, PIONEER DOCK, FISH DOCK, C FLOAT, AND THE  
12 OUTFALL LINE.

13  
14 WHEREAS, The Port and Harbor has essential repair projects that include the Deep  
15 Water Dock, Pioneer Dock, Fish Dock, C Float, and the Outfall Line; and

16  
17 WHEREAS, The repairs are needed this construction season for the high-use equipment  
18 to remain available for public use; and

19  
20 WHEREAS, Funds are available in the Port and Harbor Reserve fund for the projects.

21  
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23  
24 Section 1. The FY 2013 Operating Budget is hereby amended by appropriating  
25 \$54,416.00 from the Port and Harbor Reserve fund for repairs to Deep Water Dock, Pioneer  
26 Dock, Fish Dock, C Float, and the Outfall Line.

27  
28 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
456-380	Deep Water Dock, Pioneer Dock, Fish Dock, C Float, Outfall Line Repairs	\$54,416.00

29  
30  
31  
32  
33  
34  
35 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall  
36 not be codified.

37  
38 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
39 \_\_\_\_\_, 2013.

40 CITY OF HOMER

41  
42  
43 \_\_\_\_\_  
44 MARY E. WYTHE, MAYOR  
45  
46

47 ATTEST:

48

49

50

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

52

53

54

55 YES:

56 NO:

57 ABSTAIN:

58 ABSENT:

59

60

61 First Reading:

62 Public Hearing:

63 Second Reading:

64 Effective Date:

65

66

67 Reviewed and approved as to form:

68

69

70 \_\_\_\_\_  
Walt E. Wrede, City Manager

71

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

73

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

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



# 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](mailto:port@ci.homer.ak.us)  
Web Site <http://port.ci.homer.ak.us>

### MEMORANDUM 13-056

TO: HOMER CITY COUNCIL & CITY MANAGER WALT WREDE  
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
DATE: APRIL 16, 2013  
SUBJECT: PORT & HARBOR REPAIR PROJECT FUNDING

Following is a list of projects that have come up since our annual budget was approved. These are all classified as Essential Repair Projects and require immediate funding for completion as all are high-use equipment that must be repaired this construction season in order for them to remain available for public use.

<b>Deep Water Dock Dolphin Repair</b> The walking surface/decks on top of the dolphins have rotted away and must be replaced. Cost includes parts and equipment only; in-house labor will be supplied.	\$3,300.00
<b>Deep Water Dock Conduit Replacement</b> Conduit is aged out and causing a safety hazard. Cost includes parts and contracted labor.	\$12,000.00
<b>C Float Replacement</b> A key structural component of C Float at the corner of the transient float is failing and must be replaced this summer as its condition won't allow it to survive another winter. Cost includes parts and contracted labor.	\$13,000.00
<b>Deep Water Dock Inside Berth Fender Repair</b> An overhaul maintenance procedure. Cost covers the contracted crane needed to move the 40,000 lb. fender units on and off the dock; in-house labor will be supplied for the repair.	\$4,000.00
<b>Pioneer Dock UMHW Rebuild</b> This replaces the plastic face on one of the Pioneer Dock Fenders. Costs are parts only; in-house labor will be supplied. The expenditure can be viewed as a pass through cost to AMHS since they will be repaying the City for damage caused by the ferry.	\$6,366.00
<b>Outfall Line Extension</b> Due to sedimentation at the outfall line's terminus, it has been determined that an extension is needed in order to keep the line operating. Cost covers contracted labor; parts will be supplied by City.	\$9,750.00
<b>Fish Dock Plow Truck Lift-gate</b> Lift-gates save backs! Port and Harbor employees are often tasked with moving heavy items, sometimes on their own, and lift-gates make that possible. Cost covers equipment only; in-house labor will be supplied.	\$6,000.00
<b>Total:</b>	<b>\$54,416.00</b>

#### Recommendation

Approve the allocation of \$54,416.00 total from the Port and Harbor Reserves for the above projects. Respectively, each expense will be paid for directly from reserves and documented appropriately for financial purposes.

#### Fiscal Note:

Port and Harbor Reserves Account #456-380





**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-15**

An Ordinance of the City of Homer, Alaska, Authorizing Harbor Revenue Bonds of the City to be Issued in Series to Finance Harbor Improvements; Creating a Lien Upon Net Revenue of the Harbor for the Payment of the Bonds; and Establishing Covenants of the City Related to the Bonds.

Sponsor: City Manager

1. City Council Regular Meeting April 22, 2013 Introduction





47 "City" means the City of Homer, Alaska, a first class city organized and existing under  
48 the Constitution and laws of the State of Alaska.

49  
50 "City Representative" means the City Manager or the City Finance Director, or such  
51 other person as may be designated from time to time by resolution of the Council.

52  
53 "Consultant" means an independent professional engineer or engineering firm  
54 experienced in harbor matters appointed by the City to perform the duties of Consultant under  
55 this Master Ordinance. For the purposes of delivering any certificate required by Section 5 and  
56 making the calculation required by Section 5(b)(2), the term Consultant also shall include any  
57 independent public accounting firm appointed by the City to make such calculation or to provide  
58 such certificate.

59  
60 "Costs of Construction" means all costs paid or incurred by the City in connection with  
61 the acquisition and construction of capital additions, improvements and betterments to and  
62 extensions of the Facilities, and the placing of the same in operation, including without limitation  
63 paying all or a portion of the interest on the series of Bonds or any portion thereof issued to  
64 finance the costs of such improvements during the period of construction of such improvements  
65 and for a period of time thereafter; paying amounts required to meet any reserve requirement for  
66 the fund or account established or maintained for such series of Bonds; paying or reimbursing  
67 the City or any fund thereof or any other person for expenses incident and properly allocable to  
68 the acquisition and construction of said improvements and the placing of the same in operation;  
69 and all other items of expense incident and properly allocable to the acquisition and construction  
70 of said additions and improvements, the financing of the same and the placing of the same in  
71 operation.

72  
73 "Council" means the general legislative authority of the City, as the same may be  
74 constituted from time to time.

75  
76 "Coverage Requirement" means Net Revenue equal to or greater than 120% of Aggregate  
77 Annual Debt Service.

78  
79 "Debt Service" means, for any period, with respect to any Bonds, an amount equal to (1)  
80 the principal amount of such Bonds due or subject to mandatory redemption during such period  
81 and for which no sinking fund installments have been established, (2) the amount of any payment  
82 required to be made during such period into any sinking fund established for the payment of any  
83 such Bonds, plus (3) all interest payable during such period on any such Bonds Outstanding and  
84 with respect to Bonds with mandatory sinking fund requirements, calculated on the assumption  
85 that mandatory sinking fund installments will be applied to the redemption or retirement of such  
86 Bonds on the date specified in the Series Ordinance authorizing such Bonds.

87  
88 "Facilities" means all equipment and all property, real and personal, or any interest  
89 therein, whether improved or unimproved, now or hereafter (for as long as any Bonds shall be  
90 Outstanding) owned, operated, used, leased or managed by the Harbor and which contribute in  
91 some measure to its Gross Revenue.

92

93 "Fiscal Year" means the fiscal year of the City, which currently is the 12-month period  
94 commencing on January 1 and ending the following December 31.

95  
96 "Gross Revenue" means all income, receipts and revenue derived by or for the account of  
97 the Harbor from time to time from any source from the ownership, leasing or operation of the  
98 Facilities whatsoever, and all earnings on any fund or account that is pledged to secure the  
99 Bonds. However, the following shall be excluded from Gross Revenue: (i) the proceeds of any  
100 borrowing by the City and the earnings thereon (other than earnings on proceeds deposited in  
101 reserve funds); (ii) proceeds of insurance or condemnation proceeds other than business  
102 interruption insurance; (iii) proceeds of state or federal grants; and (iv) income from investments  
103 irrevocably pledged to the payment of Bonds issued or to be defeased under any refunding bond  
104 plan of the Harbor.

105  
106 "Harbor" means all publicly owned docks, floats, berths, tidal grids and other mooring  
107 facilities operated by the City, including without limitation the Deep Water Dock, Pioneer  
108 (Ferry) Dock, Fish Dock within the Small Boat Harbor, and associated equipment, offices,  
109 warehouses, storage space, roads, paved areas, water banks, beaches and shorelines under the  
110 management and control of the City, as the same may be added to, improved and extended for as  
111 long as any of the Bonds are Outstanding.

112  
113 "Harbor Revenue Fund" means the Port of Homer Enterprise Fund of the City.

114  
115 "Master Ordinance" means this Ordinance 13-15.

116  
117 "Maximum Annual Debt Service" means, with respect to any Outstanding series of  
118 Bonds, the highest remaining Annual Debt Service for such series of Bonds.

119  
120 "Net Revenue" means Gross Revenue less any part thereof that must be used to pay  
121 Operating Expenses.

122  
123 "Operating Expenses" means the current expenses incurred for operation, maintenance or  
124 repair of the Facilities of a non-capital nature, and shall include without limitation labor and  
125 supply expenses that are properly chargeable to current operations, utility expenses, customer  
126 accounts expenses, administrative and general expenses, insurance premiums, lease rentals, legal  
127 and engineering expenses, payments to pension, retirement, group life insurance, health and  
128 hospitalization funds or other employee benefit funds that are properly chargeable to current  
129 operations, interest on customers' deposits, payroll tax expenses, and any other expenses required  
130 to be paid under the provisions of this Master Ordinance or by law or permitted by standard  
131 practices for public enterprises similar to the properties and business of the Harbor and  
132 applicable in the circumstances. Operating Expenses shall not include payments of taxes or  
133 assessments (or payments in lieu of taxes or assessments) to the City, payments with respect to  
134 judgments, any allowances for depreciation or amortization, or any principal, redemption price  
135 or purchase price of, or interest on, any obligations of the City incurred in connection with the  
136 Facilities and payable from Gross Revenue.

137

138 "Outstanding" means, as of any date, any Bonds theretofore issued except such Bonds  
139 deemed to be no longer Outstanding as provided in the Series Ordinance authorizing the issuance  
140 thereof.

141  
142 "Parity Bonds" means any Bonds issued in the future under a Series Ordinance which  
143 provides that such Bonds shall be on a parity of lien with other series of Bonds issued pursuant to  
144 this Master Ordinance, as provided in Section 3.

145  
146 "Rate Covenant" means the covenant of the City set forth in Section 6(a).

147  
148 "Registered Owner" means the person named as the registered owner of a Bond in the  
149 Bond Register.

150  
151 "Registrar" means the City Finance Director, or any person that the Council may appoint  
152 from time to time by resolution or by a Series Ordinance, to act as registrar for one or more  
153 series of Bonds.

154  
155 "Reserve Requirement" means, for any series of Bonds, an amount equal to the least of  
156 (i) Maximum Annual Debt Service with respect to the Outstanding Bonds of such series; (ii)  
157 125% of average Annual Debt Service with respect to the Outstanding Bonds of such series; (iii)  
158 10% of the initial principal amount of the Bonds of such series; and (iv) any lesser amount that  
159 may be required from time to time under the Code for the exclusion of interest on the Bonds  
160 from gross income for federal income tax purposes.

161  
162 "Series Ordinance" means an ordinance authorizing the issuance of a series of Bonds, as  
163 such ordinance may thereafter be amended or supplemented. Each Series Ordinance shall be  
164 supplemental to this Master Ordinance.

165  
166 "2013 Bonds" means the City of Homer, Alaska, Harbor Revenue Bonds, 2013  
167 authorized by Ordinance 13-16.

168  
169 Section 2. Priority of Use of Gross Revenue. The Gross Revenue shall be deposited in  
170 the Harbor Revenue Fund as collected. The City also may deposit in the Harbor Revenue Fund  
171 any other monies that are legally available for that purpose. The Harbor Revenue Fund shall be  
172 held separate and apart from all other funds and accounts of the City, and the Gross Revenue  
173 deposited therein shall be used only for the following purposes and in the following order of  
174 priority:

175  
176 First, to pay Operating Expenses not paid from other sources;

177  
178 Second, to make all payments, including sinking fund payments, required to be made into  
179 the special fund or account provided for the payment of the Bonds of each series to pay the  
180 principal of and interest and premium, if any, on any Bonds;

181  
182 Third, to make all payments required to be made into any reserve account(s) to secure the  
183 payment of any Bonds;

184 Fourth, to make all payments required to be made into any other revenue bond  
185 redemption fund and debt service account or reserve account created therein to pay and secure  
186 the payment of the principal of and interest on any revenue bonds or other revenue obligations of  
187 the City having a lien upon Net Revenue and the money in the Harbor Revenue Fund junior and  
188 inferior to the lien thereon for the payment of the principal of and interest on any Bonds; and  
189

190 Fifth, to retire by redemption or purchase in the open market any outstanding harbor  
191 revenue bonds or other harbor revenue obligations of the City as authorized in the various  
192 ordinances of the City authorizing their issuance, or to make necessary additions, betterments,  
193 improvements and repairs to or extensions and replacements of the Facilities, or any other lawful  
194 City purposes, except to the extent of any deficiencies in payments for Second, Third or Fourth  
195 purposes.  
196

197 Section 3. Authorization of Bonds. The City hereby is authorized to issue revenue bonds  
198 of the City, to be known as the "City of Homer, Alaska, Harbor Revenue Bonds," from time to  
199 time in series, and without limitation as to aggregate principal amount. Each series of Bonds  
200 may be issued in such amount and upon such terms and conditions as the Council may from time  
201 to time deem to be necessary or advisable, for any purposes of the Harbor now or hereafter  
202 permitted by law, but only upon compliance with the applicable conditions for their issuance in  
203 Section 5.  
204

205 All Bonds shall be Parity Bonds having an equal lien and charge upon Net Revenue upon  
206 the fulfillment of the conditions for their issuance under this Master Ordinance. From and after  
207 the time of issuance and delivery of the Bonds of each series, and so long thereafter as any of the  
208 same remain Outstanding, the City hereby irrevocably obligates and binds itself to set aside and  
209 pay out of Net Revenue into the special funds created for the payment of the Bonds of such  
210 series, on or before the due date, the amount necessary to pay principal or interest coming due on  
211 the Bonds of such series. Said amounts so pledged to be paid into such special funds are hereby  
212 declared to be a prior lien and charge upon Gross Revenue superior to all other charges of any  
213 kind or nature whatsoever except for Operating Expenses and except for charges equal in rank  
214 that may be made thereon to pay and secure the payment of the principal of and interest on Parity  
215 Bonds issued under this Master Ordinance.  
216

217 The Bonds shall not in any manner or to any extent constitute general obligations of the  
218 City or of the State of Alaska, or of any political subdivision of the State of Alaska.  
219

220 Section 4. Series Ordinance. Each series of Bonds shall be authorized by a Series  
221 Ordinance, which shall, among other provisions, specify or provide for:  
222

223 (a) the authorized principal amount, designation and series of such Bonds;  
224

225 (b) the general purpose or purposes for which such series of Bonds is being issued, and  
226 the deposit, disbursement and application of the proceeds of the sale of the Bonds of such series;  
227

228 (c) the date or dates, and the maturity dates or dates, of the Bonds of such series, and the  
229 principal amount maturing on each maturity date;

230 (d) the interest rate or rates on the Bonds of such series and the interest payment date or  
231 dates therefor;

232  
233 (e) the circumstances, if any, under which the Bonds of such series will be deemed to be  
234 no longer Outstanding;

235  
236 (f) the denominations of, and the manner of dating, numbering, and, if necessary,  
237 authenticating, the Bonds of such series;

238  
239 (g) the paying agent or paying agents, if any, for the Bonds of such series and the duties  
240 and obligations thereof;

241  
242 (h) the place or places of payment of the principal, redemption price, if any, or purchase  
243 price, if any, of and interest on, the Bonds of such series;

244  
245 (i) the Registrar or Registrars, if any, for the Bonds of such series and the duties and  
246 obligations thereof;

247  
248 (j) the form or forms of the Bonds of such series and the methods, if necessary, for the  
249 registration, transfer and exchange of the Bonds of such series;

250  
251 (k) the terms and conditions, if any, for the redemption of the Bonds of such series prior  
252 to maturity, including the redemption date or dates, the redemption price or prices and other  
253 applicable redemption terms;

254  
255 (l) the manner of sale of the Bonds of such series;

256  
257 (m) if so determined by the City, the authorization of and any terms and conditions with  
258 respect to credit support for the Bonds of such series and the pledge or provision of moneys,  
259 assets or security other than Net Revenue to or for the payment of the Bonds of such series or  
260 any portion thereof;

261  
262 (n) a special fund or account to provide for the payment of the Bonds of such series, a  
263 special reserve fund or account for the purpose of securing the payment of the principal of and  
264 interest on the Bonds of such series, and, if so determined by the City, any other specific funds or  
265 accounts for the Bonds of such series and the application of moneys or securities therein; and

266  
267 (o) any other provisions which the City deems necessary or desirable in connection with  
268 the Bonds of such series.

269  
270 Concurrently with the adoption of this Master Ordinance, the City will adopt Ordinance  
271 13-16, authorizing the issuance of not to exceed \$4,200,000 in aggregate principal amount of  
272 2013 Bonds.

273  
274 Section 5. Limitations on Issuance of Bonds. Except for the 2013 Bonds, the City shall  
275 not issue any series of Bonds or incur any additional indebtedness with a parity lien or charge on



276 Net Revenue with Bonds at the time Outstanding unless it meets the applicable conditions for the  
277 issuance of such series in this section.

278  
279 (a) Project Completion. The City may issue Bonds if the City shall not have been in  
280 default of its covenant under Section 6(a) for the immediately preceding Fiscal Year, and the  
281 Bonds are being issued to pay Costs of Construction of Facilities for which Bonds have been  
282 issued previously and the principal amount of such Bonds being issued for completion purposes  
283 does not exceed an amount equal to an aggregate of 15% of the principal amount of Bonds  
284 theretofore issued for such Facilities and reasonably allocable to the Facilities to be completed as  
285 shown in a written certificate of a City Representative, and there is delivered a Consultant's  
286 certificate stating that the nature and purpose of such Facilities has not materially changed.

287  
288 (b) Any Purposes of the Harbor. The City may issue Bonds if the City shall not have  
289 been in default of its covenant under Section 6(a) for the immediately preceding Fiscal Year, and  
290 the Bonds are being issued for any purposes permitted under Section 3, upon delivery of a  
291 certificate prepared as described in paragraph (1) or (2) of this subsection.

292  
293 (1) Certificate of the City without a Consultant. The City may deliver a  
294 certificate without a Consultant if Net Revenue for the Base Period (confirmed by an  
295 independent audit) is not less than the amount of Net Revenue that would be required to fulfill  
296 the Coverage Requirement commencing with the first full Fiscal Year following the date on  
297 which any portion of interest on the series of Bonds then being issued will be paid from a source  
298 other than the proceeds of such series of Bonds.

299  
300 (2) Certificate of a Consultant. Unless the City may deliver a certificate without  
301 a Consultant as provided in paragraph (1) of this subsection, the City shall deliver a certificate of  
302 a Consultant demonstrating fulfillment of the Coverage Requirement, commencing with the first  
303 full Fiscal Year following the date on which any portion of interest on the series of Bonds then  
304 being issued no longer will be paid from the proceeds of such series of Bonds. In making the  
305 computations for the purpose of certifying compliance with the Coverage Requirement of this  
306 section, the Consultant shall determine Net Revenue by adding the following:

307  
308 (i) The historic net revenue of the Harbor for the Base Period.

309  
310 (ii) The net revenue derived from those customers of the Harbor that have  
311 become customers during the Base Period or thereafter and prior to the date of such certificate,  
312 adjusted to reflect a full year's Net Revenue from each such customer to the extent such net  
313 revenue was not included under subparagraph (i) of this paragraph (2).

314  
315 (iii) The estimated annual net revenue to be derived from any customer  
316 under any executed contract for Harbor service, which net revenue was not included in any of the  
317 other sources of net revenue described in this paragraph (2).

318  
319 (iv) The estimated annual net revenue to be derived from the operation of  
320 any additions or improvements to or extensions of the Facilities under construction but not  
321 completed at the time of such certificate and not being paid for out of the proceeds of sale of

322 such Bonds being issued, and which net revenue is not otherwise included in any of the sources  
323 of net revenue described in this paragraph (2)

324  
325 (v) The estimated annual net revenue to be derived from the operation of  
326 any additions and improvements to or extensions of the Facilities being paid for out of the  
327 proceeds of sale of such Bonds being issued.  
328

329 If the Harbor will not derive any revenue as a result of the construction of additions,  
330 improvements or extensions being or to be made to the Facilities within the provisions of  
331 subparagraphs (iv) or (v) of this paragraph (2), the estimated annual Operating Expenses of such  
332 additions, improvements and extensions shall be deducted from estimated annual net revenue.  
333

334 The words "historic net revenue" or "net revenue" as used in this paragraph (2) shall  
335 mean the Gross Revenue or any part or parts thereof less the normal expenses of maintenance  
336 and operation of the Facilities or any part or parts thereof, but before depreciation. Such  
337 "historic net revenue" or "net revenue" shall be adjusted to reflect the Harbor rates and charges  
338 effective on the date of such certificate if there has been any change in such rates and charges  
339 during or after the Base Period.  
340

341 (c) Refunding for Debt Service Savings. The City may issue Bonds for the purpose of  
342 refunding Outstanding Bonds where the Annual Debt Service in each Fiscal Year on all Bonds to  
343 be Outstanding after the issuance of the refunding Bonds will not be greater than the Annual  
344 Debt Service in the same Fiscal Year if such refunding did not occur.  
345

346 (d) Compliance with Reserve Requirement. On the date of issuance of any series of  
347 Bonds, there shall be on deposit in the reserve fund or account for the Bonds of each series an  
348 amount that is not less than the Reserve Requirement for such series.  
349

350 Section 6. Specific Covenants. The City hereby covenants with the Registered Owners  
351 of all Outstanding Bonds for as long as any Bonds remain Outstanding:  
352

353 (a) Rate Covenant. At all times the City will establish, maintain and collect rentals,  
354 tariffs, rates, fees, and charges in the operation of all of the business of the Harbor that will  
355 produce Net Revenue in each Fiscal Year at least equal to the greater of:  
356

357 (1) 120% of the amount required in such Fiscal Year to be paid as Debt Service  
358 on Outstanding Bonds, or  
359

360 (2) the amount required to be deposited during such Fiscal Year from Net  
361 Revenue (i) into bond funds and reserve funds established for Outstanding Bonds, but excluding  
362 from each of the foregoing payments made from refunding debt or capitalized Debt Service; plus  
363 (ii) the amount required to be deposited into any other revenue bond redemption fund and debt  
364 service account or reserve account created to pay and secure the payment of the principal of and  
365 interest on any revenue bonds or other revenue obligations of the City having a lien upon Net  
366 Revenue and the money in the Harbor Revenue Fund junior and inferior to the lien thereon for  
367 the payment of the principal of and interest on any Bonds.

368           The City shall cause the rate coverage calculation described in this Section 6(a) to be  
369 made no later than 90 days following the end of each Fiscal Year in which Bonds are  
370 Outstanding.

371  
372           If the Net Revenue in any Fiscal Year is less than required to fulfill the Rate Covenant,  
373 then the City will retain a Consultant to make recommendations as to operations and the revision  
374 of schedules of rentals, tariffs, rates, fees and charges, and on the basis of such recommendations  
375 and other available information the City will establish such rentals, tariffs, rates, fees and charges  
376 for Harbor services and operations as are necessary to meet the Rate Covenant. If the City has  
377 taken the steps set forth in this paragraph and the Net Revenue in the Fiscal Year in which  
378 adjustments are made nevertheless is not sufficient to meet the Rate Covenant, there shall be no  
379 default under the Rate Covenant unless the City fails to meet the Rate Covenant in the Fiscal  
380 Year immediately succeeding the Fiscal Year in which the adjustments are made.

381  
382           (b) Maintenance and Repairs. The City will at all times maintain, preserve and keep the  
383 Harbor's properties and every part and parcel thereof in good repair, working order and  
384 condition; will from time to time make or cause to be made all necessary and proper repairs,  
385 renewals and replacements thereto so that the business carried on in connection therewith may be  
386 properly and advantageously conducted, and will at all times operate the Harbor in an efficient  
387 manner and at a reasonable cost.

388  
389           (c) Insurance. The City will at all times carry fire and other casualty insurance on the  
390 plant and equipment of the Harbor to the full insurable value thereof, and will also carry  
391 adequate public liability insurance and such other forms of insurance as under good business  
392 practices are ordinarily carried on such plant and equipment. Such insurance also may be  
393 maintained by the City through a program of self-insurance.

394  
395           (d) Extensions or Betterments. The City will not expend any of the money in the Harbor  
396 Revenue Fund for any extensions or betterments which are not economically sound and which  
397 will not contribute to the operation of the Harbor in an efficient and economical manner, unless  
398 such extensions are required by law or any regulatory body having jurisdiction.

399  
400           (e) Accounting. The City will keep and maintain proper books and accounts with respect  
401 to the operation of the Harbor in such manner as prescribed by any authorities having jurisdiction  
402 over the Harbor and will cause its books of account to be audited annually by competent certified  
403 public accountants, copies of which audits shall, upon request, be furnished to Registered  
404 Owners of the Bonds. Said audits shall show whether or not the City has in all respects  
405 performed and complied with the covenants set forth in this Master Resolution.

406  
407           (f) Bonding of Employees. All employees and agents of the City collecting or handling  
408 money of the City in connection with the management and operation of the Harbor shall be  
409 bonded in an amount commensurate with the funds they handle and in an amount sufficient to  
410 protect the City from loss.

411  
412           (g) Disposal of Harbor. The City will not sell, or otherwise dispose of, substantially all  
413 of the Facilities or other properties of the Harbor, unless contemporaneously with such sale or

414 disposal there shall be paid into a special fund a sum sufficient (together with investment income  
415 thereon) to defease all Bonds then Outstanding to the date or dates on which they first may be  
416 redeemed.

417  
418 The City may sell or dispose of any portion of the Facilities or other properties of the  
419 Harbor to related or unrelated entities, provided that if such properties constitute five percent or  
420 greater of the "book value" of the Harbor's properties or generate five percent or greater of the  
421 Net Revenue of the Harbor at the time of such sale or disposition, the Harbor has on hand a  
422 report from a Consultant verifying compliance with the Coverage Requirement for the next three  
423 full Fiscal Years.

424  
425 The City also may sell, dispose of or convey any assets which are no longer deemed to be  
426 used or useful to the operations of the Harbor.

427  
428 Section 7. Amendatory and Supplemental Ordinances.

429  
430 (a) The Council from time to time and at any time may adopt an ordinance or ordinances  
431 supplemental hereto, which ordinance or ordinances thereafter shall become a part of this Master  
432 Ordinance, for any one or more of the following purposes:

433  
434 (1) To provide for the issuance of a series of Bonds pursuant to Section 4, and to  
435 prescribe the terms and conditions pursuant to which such Bonds may be issued, paid or  
436 redeemed.

437  
438 (2) To add covenants and agreements of the City for the purpose of further  
439 securing the payment of the Bonds; provided that such additional covenants and agreements are  
440 not contrary to or inconsistent with the covenants and agreements of the City contained in this  
441 Master Ordinance.

442  
443 (3) To prescribe further limitations and restrictions upon the issuance of Bonds  
444 and the incurring of indebtedness by the City payable from Net Revenue which are not contrary  
445 to or inconsistent with the limitations and restrictions thereon theretofore in effect.

446  
447 (4) To surrender any right, power or privilege reserved to or conferred upon the  
448 City by the terms of this Master Ordinance.

449  
450 (5) To make such provisions for the purpose of curing any ambiguities or of  
451 curing, correcting or supplementing any defective provision contained in this Master Ordinance  
452 or in regard to matters or questions arising under this Master Ordinance as the Council may deem  
453 necessary or desirable and not inconsistent with this Master Ordinance and which shall not  
454 adversely affect the interests of the Registered Owners of the Bonds.

455  
456 Any such supplemental ordinance may be adopted without the consent of the Registered  
457 Owner of any of the Bonds at any time outstanding, notwithstanding any of the provisions of  
458 subsection (b) of this section.

459

460 (b) With the consent of the Registered Owners of not less than 60 percent in aggregate  
461 principal amount of the Bonds at the time Outstanding, the Council may adopt an ordinance or  
462 ordinances supplemental hereto for the purpose of adding any provisions to or changing in any  
463 manner or eliminating any of the provisions of this Master Ordinance or of any supplemental  
464 ordinance; provided, however, that no such supplemental ordinance shall:

465  
466 (1) extend the fixed maturity of any of the Bonds, or reduce the rate of interest  
467 thereon, or reduce the amount or change the date of any sinking fund installment, or extend the  
468 time of payments of interest from their due date, or reduce the amount of the principal thereof, or  
469 reduce any premium payable on the redemption thereof, without the consent of the Registered  
470 Owner of each Bond so affected; or

471  
472 (2) reduce the aforesaid percentage of Registered Owners of Bonds required to  
473 approve any such supplemental ordinance without the consent of the Registered Owners of all of  
474 the Bonds then outstanding.

475  
476 It shall not be necessary for the consent of the Registered Owners of the Bonds under this  
477 subsection to approve the particular form of any proposed supplemental ordinance, but it shall be  
478 sufficient if such consent approves the substance thereof.

479  
480 (c) Upon the adoption of any supplemental ordinance under this section, this Master  
481 Ordinance shall be deemed to be modified and amended in accordance therewith, and the  
482 respective rights, duties and obligations under this Master Ordinance of the City and all  
483 Registered Owners of Outstanding Bonds shall thereafter be subject in all respects to such  
484 modification and amendment, and all the terms and conditions of the supplemental ordinance  
485 shall be deemed to be part of the terms and conditions of this Master Ordinance for any and all  
486 purposes.

487  
488 (d) Bonds of any series delivered after the effective date of any amendment adopted  
489 under this section to this Master Ordinance or the Series Ordinance with respect to that series  
490 may bear a notation as to any matter provided for in such supplemental ordinance, and if such  
491 supplemental ordinance shall so provide, new Bonds modified so as to conform, in the opinion of  
492 the City, to the terms of any such supplemental ordinance may be prepared by the City and  
493 delivered without cost to the Registered Owners of the affected Bonds then outstanding, upon  
494 surrender for cancellation of such Bonds in equal aggregate principal amounts.

495  
496 Section 8. Notice to Registered Owners. Except as this Master Ordinance specifically  
497 provides otherwise, any notice under this Master Ordinance to Registered Owners of any Bonds  
498 may be given by first class mail, postage prepaid, to such Registered Owners at their respective  
499 addresses appearing upon the Bond Register maintained by or on behalf of the City.

500  
501 Section 9. Execution of Instruments by Registered Owners. Any instrument in writing  
502 that this Master Ordinance requires or permits to be executed by Registered Owners of Bonds  
503 may be in any number of concurrent instruments of similar tenor and may be executed by such  
504 Registered Owners in person or by an agent duly appointed by an instrument in writing. The fact  
505 and date of the execution by any person of any such instrument may be proved sufficiently for

506 any purpose of this Master Ordinance by either (a) an acknowledgment executed by a notary  
507 public or other officer empowered to take acknowledgments of deeds to be recorded in the  
508 particular jurisdiction, (b) an affidavit of a witness to such execution sworn to before such a  
509 notary public or other officer, or (c) a signature guarantee. Where such execution is by an officer  
510 of a corporation or association or a member of a partnership on behalf of such corporation,  
511 association or partnership, such acknowledgment or affidavit shall also constitute sufficient proof  
512 of the authority of such person. The foregoing shall not be construed as limiting the City to such  
513 proof, it being intended that the City may accept any other evidence of the matters herein stated  
514 which to it may seem sufficient.

515  
516 Section 10. Ordinances a Contract with Registered Owners. In consideration of the  
517 purchase and acceptance of the Bonds by those who shall own the same from time to time, the  
518 provisions of this Master Ordinance and of any Series Ordinance shall constitute a contract with  
519 the Registered Owners of each Bond, and the obligations of the City under this Master Ordinance  
520 and under any Series Ordinance shall be enforceable by any court of competent jurisdiction; and  
521 the covenants and agreements herein set forth to be performed on behalf of the City shall be for  
522 the equal benefit, protection and security of the Registered Owners of any and all of the Bonds.

523  
524 Section 11. Events of Default. To protect and safeguard the covenants and obligations  
525 undertaken by the City securing the Bonds, the City hereby covenants and agrees with the  
526 Registered Owners from time to time of the Bonds that the following shall constitute “Events of  
527 Default”:

528  
529 (a) If default is made in the due and punctual payment of the principal of or premium,  
530 if any, on any of the Bonds when the same become due and payable, either at maturity or by  
531 proceedings for redemption or otherwise;

532  
533 (b) If default is made in the due and punctual payment of any installment of interest  
534 on any Bond;

535  
536 (c) If the City defaults in the observance and performance of any other of the  
537 covenants, conditions and agreements on the part of the City contained in this Master Ordinance  
538 and such default or defaults continues for a period of 90 days after the City receives from a  
539 representative of (a) Registered Owners of not less than 66% in principal amount of the Bonds  
540 then Outstanding or (b) the Bond Bank, if the Bond Bank is then the Registered Owner of any of  
541 the Bonds, a written notice specifying and demanding the cure of such default;

542  
543 (d) If the City (except as herein permitted) sells, transfers, assigns or conveys any  
544 properties constituting the Facilities or interests therein, or makes any agreement for such sale or  
545 transfer;

546  
547 (e) If an order, judgment or decree is entered by any court of competent jurisdiction:  
548 (a) appointing a receiver, trustee or liquidator for the City or the whole or any substantial part of  
549 the Facilities; (b) approving a petition filed against the City seeking the bankruptcy, arrangement  
550 or reorganization of the City under any applicable law of the United States or the State of  
551 Alaska; or (c) assuming custody or control of the City or of the whole or any substantial part of

552 the Facilities under the provisions of any other law for the relief or aid of debtors and such order,  
553 judgment or decree is not vacated or set aside or stayed (or, in case custody or control is assumed  
554 by said order, such custody or control is not otherwise terminated) within 90 days from the date  
555 of the entry of such order, judgment or decree; or

556  
557 (f) If the City: (i) admits in writing its inability to pay its debts generally as they  
558 become due; (ii) files a petition in bankruptcy or seeking a composition of indebtedness under  
559 any state or federal bankruptcy or insolvency law; (iii) makes an assignment for the benefit of its  
560 creditors; (iv) consents to the appointment of a receiver of the whole or any substantial part of  
561 the Facilities or (v) consents to the assumption by any court of competent jurisdiction under the  
562 provisions of any other law for the relief or aid of debtors of custody or control of the City or of  
563 the whole or any substantial part of the Facilities.

564

565 Section 12. Remedies Available for an Event of Default.

566

567 (a) *Waivers of Default.* No delay or omission of the Registered Owners of the Bonds  
568 to exercise any right or power arising upon the happening of an Event of Default shall impair any  
569 right or power or shall be construed to be a waiver of any such Event of Default or to be an  
570 acquiescence therein; and every power and remedy given by this Section to the Registered  
571 Owners of Bonds may be exercised from time to time and as often as may be deemed expedient  
572 by such Registered Owners.

573

574 The Registered Owners of not less than 66% in principal amount of the Bonds at the time  
575 outstanding (the "Majority Bondowners"), or their attorneys-in-fact duly authorized, may on  
576 behalf of the owners of all of the Bonds waive any past default under this ordinance and its  
577 consequences, except a default in the payment of the principal of, premium, if any, or interest on  
578 any of the Bonds. No such waiver shall extend to any subsequent or other default or impair any  
579 right consequent thereon.

580

581 (b) *Suits at Law or in Equity.* The Majority Bondowners may, upon the happening of  
582 an Event of Default, and during the continuance thereof, take such steps and institute such suits,  
583 actions or other proceedings all as may be deemed appropriate for the protection and  
584 enforcement of the rights of Registered Owners of the Bonds to collect any amounts due and  
585 owing the City, or to obtain other appropriate relief, and may enforce the specific performance of  
586 any covenant, agreement or condition contained in this Master Ordinance, or in any of the  
587 Bonds.

588

589 Any action, suit or other proceedings instituted by the Majority Bondowners hereunder  
590 shall be brought in the name and on behalf of all Registered Owners of the Bonds, and all such  
591 rights of action upon or under any of the Bonds or the provisions of this Master Ordinance may  
592 be enforced by the Majority Bondowners without the possession of any of said Bonds and  
593 without the production of the same at any trial or proceedings relative thereto except where  
594 otherwise required by law, and the respective Registered Owners of said Bonds, by taking and  
595 holding the same, shall be conclusively deemed irrevocably to appoint the Majority Bondowners  
596 the true and lawful trustee of the respective Registered Owners of the Parity Bonds, with  
597 authority to institute any such action, suit or proceeding; to receive as trustee and deposit in trust

598 any sums becoming distributable on account of the Bonds; to execute any paper or documents  
599 for the receipt of such money, and to do all acts with respect thereto that the Registered Owner of  
600 a Bond might have done in person. Nothing herein contained shall be deemed to authorize or  
601 empower the Majority Bondowners to consent to accept or adopt, on behalf of any Registered  
602 Owner of any Bond, any plan of reorganization or adjustment affecting the Bonds or any right of  
603 any Registered Owner thereof, or to authorize or empower the Majority Bondowners to vote the  
604 claims of the Registered Owners thereof in any receivership, insolvency, liquidation, bankruptcy,  
605 reorganization or other proceeding to which the City shall be a party.

606  
607 Nothing contained in this Master Ordinance shall, in any event or under any  
608 circumstance, be deemed to authorize the acceleration of maturity of principal on Bonds  
609 Outstanding, and the remedy of acceleration is expressly denied to the Registered Owners of  
610 Bonds Outstanding under any circumstances including without limitation upon the occurrence  
611 and continuance of an Event of Default.

612  
613 (c) *Books of City Open to Inspection.* The City covenants that if an Event of Default  
614 occurs and is not remedied, the books of record and account of the City will at all reasonable  
615 times be subject to the inspection and use of the Registered Owners of any Bonds.

616  
617 The City covenants that if an Event of Default happens and is not remedied, the City will  
618 continue to account, as trustee of an express trust, for all Gross Revenues and other money,  
619 securities and funds pledged under this Master Ordinance.

620  
621 Section 13. Severability. If any one or more of the covenants or agreements provided in  
622 this Master Ordinance to be performed on the part of the City shall be declared by any court of  
623 competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or  
624 agreements shall be null and void and shall be deemed separable from the remaining covenants  
625 and agreements in this Master Ordinance and shall in no way affect the validity of the other  
626 provisions of this Master Ordinance or of the Bonds.

627  
628 Section 14. Non-Code Ordinance. This ordinance is not permanent in nature and shall  
629 not be codified.

630  
631 Section 15. Effective Date. This ordinance shall take effect upon passage and approval.

632  
633 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 13<sup>th</sup>  
634 day of May, 2013.

635  
636 CITY OF HOMER

637  
638  
639  
640 \_\_\_\_\_  
641 MARY E. WYTHE, MAYOR

642  
643



644 ATTEST:

645

646

647

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

649

650

651

652

653

654 AYES:

655 NOES:

656 ABSTAIN:

657 ABSENT:

658

659

660

661 First Reading:

662 Public Reading:

663 Second Reading:

664 Effective Date:

665

666

667 Reviewed and approved as to form:

668

669

670

671 \_\_\_\_\_  
Walt Wrede, City Manager

672

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

674

\_\_\_\_\_  
City Attorney

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

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**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-16**

An Ordinance of the City of Homer, Alaska, Authorizing the Issuance and Sale of a Series of Harbor Revenue Bonds by the City in the Principal Amount Not to Exceed \$4,200,000 for the Purpose of Financing the Design, Construction, and Acquisition of Harbor and Related Capital Improvements; Establishing the Terms of the Bonds; and Authorizing the Sale of the Bonds.

Sponsor: City Manager

1. City Council Regular Meeting April 22, 2013 Introduction



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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 13-16**

AN ORDINANCE OF THE CITY OF HOMER, ALASKA, AUTHORIZING THE ISSUANCE AND SALE OF A SERIES OF HARBOR REVENUE BONDS BY THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,200,000 FOR THE PURPOSE OF FINANCING THE DESIGN, CONSTRUCTION AND ACQUISITION OF HARBOR AND RELATED CAPITAL IMPROVEMENTS; ESTABLISHING THE TERMS OF THE BONDS; AND AUTHORIZING THE SALE OF THE BONDS.

WHEREAS, the City of Homer, a first class city organized under the Constitution and laws of the State of Alaska (the "City") owns and operates a harbor (as further defined in Section 1, the "Harbor") as a revenue-producing enterprise; and

WHEREAS, the City has authorized the issuance of harbor revenue bonds in one or more series pursuant to Ordinance 13-15 adopted May 13, 2013 (the "Master Ordinance"); and

WHEREAS, it is necessary and in the best interest of the City that revenue bonds of the City be authorized to be sold and the funds derived therefrom be used to design, construct and acquire harbor and related capital improvements (the "Project") and to reimburse any fund of the City which may have advanced funds for such design, construction or acquisition; and

WHEREAS, AS 29.47.250 provides that an election is not required to authorize the City to issue revenue bonds; and

WHEREAS, the Council finds that it is necessary and appropriate to delegate to each of the City Manager and City Finance Director authority to determine the maturity amounts, interest rates and other details of the bonds, and to determine other matters that are not provided for in this ordinance.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Definitions. The terms used in this Series Ordinance which are defined in the Master Ordinance shall have the meanings set forth in the Master Ordinance. In addition the following terms shall have the following meanings in this Series Ordinance:

"Bond Bank Bonds" means general obligation bonds issued by the Bond Bank after the date of this Ordinance, all or part of the proceeds of which are used to purchase all of the 2013 Bonds.

"Code" means the Internal Revenue Code of 1986, as amended from time to time, together with all regulations applicable thereto.

47 "Government Obligations" means obligations that are either (i) direct obligations of the  
48 United States of America or (ii) obligations of an agency or instrumentality of the United States  
49 of America the timely payment of the principal of and interest on which are unconditionally  
50 guaranteed by the United States of America.

51  
52 "Loan Agreement" means the Loan Agreement between the City and the Bond Bank  
53 concerning the 2013 Bonds.

54  
55 "2013 Bond Fund" means the Harbor Revenue Bond Fund, 2013, established by Section  
56 13 of this Series Ordinance.

57  
58 "2013 Bonds" means the City of Homer, Alaska, Harbor Revenue Bonds, 2013  
59 authorized by this Series Ordinance.

60  
61 "2013 Debt Service Account" means the account of that name created in the 2013 Bond  
62 Fund by Section 13(a) of this Series Ordinance.

63  
64 "2013 Reserve Account" means the account of that name created in the 2013 Bond Fund  
65 by Section 13(b) of this Series Ordinance.

66  
67 Section 2. Authorization of 2013 Bonds and Purpose of Issuance. For the purpose of  
68 providing part of the funds required to pay the Costs of Construction of the Project, to reimburse  
69 any fund of the City which may have advanced funds for the Project, to make any required  
70 deposit into the 2013 Reserve Account, and to pay all costs incidental thereto and to the issuance  
71 of the 2013 Bonds, the City hereby authorizes and determines to issue and sell as a series of  
72 Bonds under the Master Ordinance the 2013 Bonds in the aggregate principal amount of not to  
73 exceed \$4,200,000 .

74  
75 Section 3. Obligation of 2013 Bonds. The 2013 Bonds shall be an obligation only of the  
76 2013 Bond Fund and shall be payable and secured as provided herein and in the Master  
77 Ordinance. Neither the faith and credit nor the taxing power of the City is pledged for the  
78 payment of the 2013 Bonds.

79  
80 Section 4. Description of 2013 Bonds. The 2013 Bonds shall be designated "City of  
81 Homer, Alaska, Harbor Revenue Bonds, 2013." The 2013 Bonds shall be in the denomination of  
82 \$5,000 or any integral multiple thereof, shall be numbered separately in the manner and with  
83 such additional designation as the Registrar deems necessary for purposes of identification, and  
84 may have endorsed thereon such legends or text as may be necessary or appropriate to conform  
85 to the rules and regulations of any governmental authority or any usage or requirement of law  
86 with respect thereto.

87  
88 The 2013 Bonds shall mature in one or more years commencing in or after 2014 and  
89 ending no later than 2034. The 2013 Bonds shall bear interest from their date, payable  
90 commencing on a date on or after July 1, 2013, and semi-annually thereafter in each year.  
91 Interest will be computed on the basis of a 360-day year consisting of twelve 30-day months.

92

93 Subject to Section 2 and the remainder of this section, the aggregate principal amount, the  
94 principal amount of each maturity, the interest rates, the dated date, the principal and interest  
95 payment dates and the record dates for principal and interest payments on the Bonds shall be  
96 determined at the time of execution of the Loan Agreement under Section 17.

97  
98 Section 5. Optional Redemption. The 2013 Bonds, if any, subject to optional redemption  
99 by the City, the time or times when such Bonds are subject to optional redemption, the terms  
100 upon which such Bonds may be redeemed, and the redemption price or redemption prices for  
101 such 2013 Bonds, shall be determined at the time of execution of the Loan Agreement under  
102 Section 17.

103  
104 Section 6. Selection of 2013 Bonds for Redemption; Notice of Redemption.

105  
106 (a) Selection of 2013 Bonds for Redemption. When the Bond Bank is the Registered  
107 Owner of the 2013 Bonds, the selection of 2013 Bonds to be redeemed shall be made as provided  
108 in the Loan Agreement. When the Bond Bank is not the Registered Owner of the 2013 Bonds,  
109 the selection of 2013 Bonds to be redeemed shall be made as provided in this subsection (a). If  
110 the City redeems at any one time fewer than all of the 2013 Bonds having the same maturity  
111 date, the particular 2013 Bonds or portions of 2013 Bonds of such maturity to be redeemed shall  
112 be selected by lot (or in such other manner determined by the Registrar) in increments of \$5,000.  
113 In the case of a 2013 Bond of a denomination greater than \$5,000, the City shall treat such 2013  
114 Bond as representing such number of separate 2013 Bonds each of the denomination of \$5,000  
115 as is obtained by dividing the actual principal amount of such 2013 Bond by \$5,000. In the event  
116 that only a portion of the principal amount of a 2013 Bond is redeemed, upon surrender of such  
117 2013 Bond at the office of the Registrar there shall be issued to the Registered Owner, without  
118 charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of  
119 the Registered Owner, a 2013 Bond or Bonds of like maturity and interest rate in any of the  
120 denominations authorized herein.

121  
122 (b) Notice of Redemption. When the Bond Bank is the Registered Owner of the 2013  
123 Bonds, notice of any intended redemption of 2013 Bonds shall be given as provided in the Loan  
124 Agreement. When the Bond Bank is not the Registered Owner of the 2013 Bonds, notice of any  
125 intended redemption of 2013 Bonds shall be made as provided in this subsection (b). Notice of  
126 redemption shall be mailed not less than 30 nor more than 45 days prior to the date fixed for  
127 redemption by first class mail to the Registered Owners of the 2013 Bonds to be redeemed at  
128 their addresses as they appear on the Bond Register on the day the notice is mailed. Notice of  
129 redemption shall be deemed to have been given when the notice is mailed as herein provided,  
130 whether or not it is actually received by the Registered Owners. All notices of redemption shall  
131 be dated and shall state: (1) the redemption date; (2) the redemption price; (3) if fewer than all  
132 outstanding 2013 Bonds are to be redeemed, the identification (and, in the case of partial  
133 redemption, the respective principal amounts) of the 2013 Bonds to be redeemed; (4) that on the  
134 redemption date the redemption price will become due and payable upon each such 2013 Bond  
135 or portion thereof called for redemption, and that interest thereon shall cease to accrue from and  
136 after said date; and (5) the place where such 2013 Bonds are to be surrendered for payment of the  
137 redemption price, which place of payment shall be the office of the Registrar.

138

139 Official notice of redemption having been given as aforesaid, 2013 Bonds or portions of  
140 2013 Bonds to be redeemed shall, on the redemption date, become due and payable at the  
141 redemption price therein specified, and from and after such date, such 2013 Bonds or portions of  
142 2013 Bonds shall cease to bear interest. Upon surrender of such 2013 Bonds for redemption in  
143 accordance with said notice, such 2013 Bonds shall be paid at the redemption price. Installments  
144 of interest due on or prior to the redemption date shall be payable as herein provided for payment  
145 of interest. Upon surrender of any 2013 Bond for partial redemption, there shall be prepared for  
146 the Registered Owner a new 2013 Bond or Bonds of the same maturity in the amount of the  
147 unpaid principal. All 2013 Bonds which have been redeemed shall be canceled and destroyed by  
148 the Registrar and shall not be reissued.

149  
150 Each check or other transfer of funds issued to pay the redemption price of 2013 Bonds  
151 shall bear the CUSIP number, if any, identifying, by maturity, the 2013 Bonds being redeemed  
152 with the proceeds of such check or other transfer.

153  
154 Section 7. Form of Bond. Each 2013 Bond shall be in substantially the following form,  
155 with such variations, omissions and insertions as may be required or permitted by this Series  
156 Ordinance or the Master Ordinance:

157  
158 UNITED STATES OF AMERICA  
159 STATE OF ALASKA  
160 CITY OF HOMER

161  
162 NO. \_\_\_\_\_ \$ \_\_\_\_\_

163  
164 HARBOR REVENUE BOND, 2013

165  
166 REGISTERED OWNER:

167  
168 PRINCIPAL AMOUNT:

169  
170 The City of Homer, a municipal corporation of the State of Alaska (the "City"),  
171 acknowledges itself indebted and for value received promises to pay (but only out of the sources  
172 mentioned herein) to the Registered Owner identified above, or its registered assigns, the  
173 principal amount shown above in the following installments on \_\_\_\_\_ 1 of each of the  
174 following years, and to pay interest on such installments from the date hereof, payable on  
175 \_\_\_\_\_ 1, 2013 and semiannually thereafter on the 1<sup>st</sup> days of \_\_\_\_\_ and \_\_\_\_\_ of  
176 each year, at the rates per annum as follows:

177  
Year   Principal Amount   Interest Rate                      Year   Principal Amount   Interest Rate

178  
179 When this 2013 Bond is owned by the Alaska Municipal Bond Bank (the "Bond Bank"),  
180 payment of principal and interest shall be made as provided in the Loan Agreement dated as of  
181 \_\_\_\_\_ 1, 2013, between the Bond Bank and the City (the "Loan Agreement"). When this



182 2013 Bond is not owned by the Bond Bank, installments of principal and interest on this 2013  
183 Bond shall be paid by check or draft mailed by first class mail to the Registered Owner as of the  
184 close of business on the \_\_\_\_\_ day of the month \_\_\_\_\_ each installment payment date;  
185 provided that the final installment of principal and interest on this 2013 Bond shall be payable  
186 upon presentation and surrender of this 2013 Bond by the Registered Owner at the office of the  
187 Registrar. Interest will be computed on the basis of a 360-day year consisting of twelve 30-day  
188 months. Both principal of and interest on this 2013 Bond are payable in lawful money of the  
189 United States of America which, on the respective dates of payment thereof, shall be legal tender  
190 for the payment of public and private debts.

191  
192 Installments of principal of this 2013 Bond due on and after \_\_\_\_\_, 20\_\_, shall be  
193 subject to prepayment on and after \_\_\_\_\_, 20\_\_, at the option of the City (subject to any  
194 applicable provisions of the Loan Agreement), in such principal amounts and from such  
195 maturities as the City may determine, and by lot within a maturity, at a redemption price equal to  
196 the principal amount to be prepaid, plus accrued interest to the date of prepayment.

197  
198 This 2013 Bond is a special obligation of the City and is one of a duly authorized issue of  
199 Bonds of the City designated "City of Homer, Alaska, Harbor Revenue Bonds" (the "Bonds"),  
200 issued and to be issued in various series under Ordinance 13-15 (the "Master Ordinance"),  
201 adopted May 13, 2013, and a Series Ordinance authorizing each such series. As provided in the  
202 Master Ordinance, the Bonds may be issued from time to time pursuant to Series Ordinances in  
203 one or more series, in various principal amounts, may mature at different times, may bear interest  
204 at different rates and, subject to the provisions thereof, may otherwise vary. The aggregate  
205 principal amount of Bonds which may be issued under the Master Ordinance is not limited, and  
206 all Bonds issued and to be issued under said Master Ordinance are and will be equally and  
207 ratably secured by the pledges and covenants made therein, except as otherwise expressly  
208 provided or permitted in the Master Ordinance.

209  
210 This 2013 Bond is one of a series of Bonds issued in the aggregate principal amount of  
211 \$4,200,000 under the Master Ordinance and Ordinance 13-16 (the "Series Ordinance"), adopted  
212 May 13, 2013, for the purpose of providing funds to design, construct and acquire harbor and  
213 related capital improvements for the City of Homer Harbor.

214  
215 This 2013 Bond shall be an obligation only of the 2013 Bond Fund and shall be payable  
216 and secured as provided in the Master Ordinance and the Series Ordinance. Neither the faith and  
217 credit nor the taxing power of the City is pledged for the payment of the 2013 Bonds. The City  
218 has pledged to pay into the 2013 Bond Fund from Net Revenue or money in the Harbor Revenue  
219 Fund, on or prior to the respective dates on which the same become due, such amounts as are  
220 required to pay the interest and principal to become due on this 2013 Bond. Said amounts so  
221 pledged are hereby declared to be a lien and charge upon Gross Revenue superior to all other  
222 charges of any kind or nature whatsoever, except for Operating Expenses and except that the  
223 amounts so pledged are of equal lien to any lien and charge thereon which may hereafter be  
224 made to pay and secure the payment of the principal of and interest on any Parity Bonds.

225  
226 IT IS HEREBY CERTIFIED and declared that this 2013 Bond is issued pursuant to and  
227 in strict compliance with the constitution or statutes of the State of Alaska, and that all acts,

228 conditions and things required to happen, to be done, and to be performed precedent to and on  
229 the issuance of this 2013 Bond have happened, been done and been performed.

230  
231 IN WITNESS WHEREOF, THE CITY OF HOMER, ALASKA, has caused this 2013  
232 Bond to be signed in its name and on its behalf by the manual or facsimile signature of its Mayor  
233 and its corporate seal (or a facsimile thereof) to be impressed or otherwise reproduced hereon  
234 and attested by the manual or facsimile signature of its Clerk, all as of the \_\_\_ day of \_\_\_\_\_  
235 2013.

236  
237 CITY OF HOMER

238  
239  
240 \_\_\_\_\_  
241 Mayor

242  
243 A T T E S T:

244  
245  
246 \_\_\_\_\_  
247 Clerk

248  
249 [SEAL]

250  
251 Section 8. Execution. The 2013 Bonds shall be executed in the name of the City by the  
252 manual or facsimile signature of the Mayor, and its corporate seal (or a facsimile thereof) shall  
253 be impressed or otherwise reproduced thereon and attested by the manual or facsimile signature  
254 of the City Clerk. The execution of a 2013 Bond on behalf of the City by persons who at the  
255 time of the execution are duly authorized to hold the proper offices shall be valid and sufficient  
256 for all purposes, although any such person shall have ceased to hold office at the time of delivery  
257 of the 2013 Bond or shall not have held office on the date of the 2013 Bond.

258  
259 Section 9. Payment of Principal and Interest. The 2013 Bonds shall be payable in lawful  
260 money of the United States of America which at the time of payment is legal tender for the  
261 payment of public and private debts. When the Bond Bank is the Registered Owner of the 2013  
262 Bonds, payment of principal and interest on the 2013 Bonds shall be made as provided in the  
263 Loan Agreement. When the Bond Bank is not the Registered Owner of the 2013 Bonds,  
264 installments of principal and interest on the 2013 Bonds shall be paid by check mailed by first  
265 class mail to the Registered Owner as of the record date for the installment payment at the  
266 address appearing on the Bond Register; provided that the final installment of principal and  
267 interest on a 2013 Bond shall be payable upon presentation and surrender of the 2013 Bond by  
268 the Registered Owner at the office of the Registrar.

269  
270 Section 10. Registration. The 2013 Bonds shall be issued only in registered form as to  
271 both principal and interest. The Registrar shall keep, or cause to be kept, the Bond Register at  
272 the principal office of the City. The City and the Registrar may treat the person in whose name  
273 any 2013 Bond shall be registered as the absolute owner of such 2013 Bond for all purposes,

274 whether or not the 2013 Bond shall be overdue, and all payments of principal of and interest on a  
275 2013 Bond made to the Registered Owner thereof or upon its order shall be valid and effectual to  
276 satisfy and discharge the liability upon such 2013 Bond to the extent of the sum or sums so paid,  
277 and neither the City nor the Registrar shall be affected by any notice to the contrary.  
278

279 Section 11. Transfer and Exchange. 2013 Bonds shall be transferred only upon the  
280 books for the registration and transfer of 2013 Bonds kept at the office of the Registrar. Upon  
281 surrender for transfer or exchange of any 2013 Bond at such office, with a written instrument of  
282 transfer or authorization for exchange in form and with guaranty of signature satisfactory to the  
283 Registrar, duly executed by the Registered Owner or the duly authorized attorney of the  
284 Registered Owner, the City shall execute and deliver an equal aggregate principal amount of  
285 2013 Bonds of the same maturity of any authorized denominations, subject to such reasonable  
286 regulations as the City may prescribe and upon payment sufficient to reimburse it for any tax, fee  
287 or other governmental charge required to be paid in connection with such transfer or exchange.  
288 All 2013 Bonds surrendered for transfer or exchange shall be canceled by the Registrar.  
289

290 Section 12. 2013 Bonds Mutilated, Destroyed, Stolen or Lost. Upon surrender to the  
291 Registrar of a mutilated 2013 Bond, the City shall execute and deliver a new 2013 Bond of like  
292 maturity and principal amount. Upon filing with the Registrar of evidence satisfactory to the  
293 City that a 2013 Bond has been destroyed, stolen or lost and of the ownership thereof, and upon  
294 furnishing the City with indemnity satisfactory to it, the City shall execute and deliver a new  
295 2013 Bond of like maturity and principal amount. The person requesting the execution and  
296 delivery of a new 2013 Bond under this section shall comply with such other reasonable  
297 regulations as the City may prescribe and pay such expenses as the City may incur in connection  
298 therewith.  
299

300 Section 13. 2013 Bond Fund. A special fund of the City designated the "Harbor  
301 Revenue Bond Fund, 2013" is hereby created for the purpose of paying and securing the  
302 payment of the 2013 Bonds. The 2013 Bond Fund shall be held separate and apart from all other  
303 funds and accounts of the City and shall be a trust fund for the owners, from time to time, of the  
304 2013 Bonds.  
305

306 (a) 2013 Debt Service Account. A 2013 Debt Service Account is hereby created in the  
307 2013 Bond Fund for the purpose of paying the principal of and interest on the 2013 Bonds. The  
308 City hereby irrevocably obligates and binds itself for as long as the 2013 Bonds remain  
309 Outstanding to set aside and pay into the 2013 Debt Service Account from Net Revenue or  
310 money in the Harbor Revenue Fund, on or prior to the respective dates on which the same  
311 become due (i) such amounts as are required to pay the interest scheduled to become due on the  
312 Outstanding 2013 Bonds, and (ii) such amounts as are required to pay maturing principal of the  
313 Outstanding 2013 Bonds.  
314

315 (b) 2013 Reserve Account. A 2013 Reserve Account is hereby created in the 2013 Bond  
316 Fund for the purpose of securing the payment of the principal of and interest on the 2013 Bonds.  
317 On the date of issuance of the 2013 Bonds, the City shall deposit a sum in the 2013 Reserve  
318 Account that is equal to the Reserve Requirement for the 2013 Bonds. If a deficiency occurs in  
319 the 2013 Debt Service Account, an amount sufficient to make up the deficiency shall be

320 withdrawn from the 2013 Reserve Account and transferred to the 2013 Debt Service Account.  
321 The City shall make up any deficiency in the 2013 Reserve Account resulting from such a  
322 withdrawal within one year out of Net Revenue or out of any other moneys legally available for  
323 such purpose, after providing for the payments required to be made into the 2013 Debt Service  
324 Account within such year.

325  
326 Any amount in the 2013 Reserve Account in excess of the Reserve Requirement for the  
327 2013 Bonds may be transferred to the 2013 Debt Service Account and used to pay the principal  
328 of and interest on the 2013 Bonds as the same becomes due and payable. Whenever there is a  
329 sufficient amount in the 2013 Bond Fund, including the 2013 Reserve Account and the 2013  
330 Debt Service Account, to pay the principal of and interest on all Outstanding 2013 Bonds, the  
331 amount in the 2013 Reserve Account may be used to pay such principal and interest.

332  
333 (c) Pledge and Lien. Said amounts so pledged to be paid into the 2013 Debt Service  
334 Account and the 2013 Reserve Account are hereby declared to be a lien and charge upon Gross  
335 Revenue superior to all other charges of any kind or nature whatsoever, except for Operating  
336 Expenses and except that the amounts so pledged are of equal lien to any lien and charge thereon  
337 which may hereafter be made to pay and secure the payment of the principal of and interest on  
338 any Parity Bonds.

339  
340 Section 14. Disposition of the Sale Proceeds of the 2013 Bonds. The sale proceeds of  
341 the 2013 Bonds shall be applied to pay accrued interest on the 2013 Bonds, Costs of  
342 Construction of the Project, issuance costs of the 2013 Bonds and any amount required to cause  
343 the amount on deposit in the 2013 Reserve Account to be equal to the Reserve Requirement for  
344 the 2013 Bonds, and shall be deposited in the appropriate funds or accounts of the City for such  
345 purposes.

346  
347 Section 15. Tax Covenants. The City covenants to comply with any and all applicable  
348 requirements set forth in the Code in effect from time to time to the extent that such compliance  
349 shall be necessary for the exclusion of the interest on the 2013 Bonds from gross income for  
350 federal income tax purposes. The City covenants that it will make no use of the proceeds of the  
351 2013 Bonds which will cause the 2013 Bonds to be "arbitrage bonds" subject to federal income  
352 taxation by reason of Section 148 of the Code. The City covenants that it will not take or permit  
353 any action that would cause the 2013 Bonds to be "private activity bonds" as defined in Section  
354 141 of the Code.

355  
356 Section 16. Defeasance. In the event money and/or non-callable Government  
357 Obligations maturing at such times and bearing interest to be earned thereon in amounts  
358 sufficient to redeem and retire any or all of the 2013 Bonds in accordance with their terms are set  
359 aside in a special trust account to effect such redemption or retirement and such moneys and the  
360 principal of and interest on such Government Obligations are irrevocably set aside and pledged  
361 for such purpose, then no further payments need be made to pay or secure the payment of the  
362 principal of and interest on such 2013 Bonds and such 2013 Bonds shall be deemed not to be  
363 Outstanding.

364

365           Section 17. Sale of 2013 Bonds. The 2013 Bonds shall be sold at negotiated sale to the  
366 Bond Bank as provided in the Loan Agreement. Subject to the limitations provided in Sections 2  
367 and 4, each of the City Manager and the City Finance Director is hereby authorized to determine  
368 the aggregate principal amount, the principal amount of each maturity, the interest rates, the  
369 dated date, the principal and interest payment dates, the record dates for principal and interest  
370 payments, and the redemption terms, if any, for the 2013 Bonds, and other details of the 2013  
371 Bonds; provided that the true interest cost of the 2013 Bonds, expressed as an annual rate, does  
372 not exceed 3.75 percent. In determining the maturity amounts, interest rates, yields, and  
373 redemption terms, if any, for the 2013 Bonds, the City Manager or City Finance Director shall  
374 take into account those factors which, in his judgment, will result in the lowest true interest cost  
375 on the 2013 Bonds to their maturity, including without limitation current financial market  
376 conditions and current interest rates for obligations comparable in tenor and quality to the 2013  
377 Bonds. Based upon the foregoing determinations, the City Manager and the City Finance  
378 Director each is authorized to execute the Loan Agreement, in substantially the form presented at  
379 this meeting.

380  
381           Section 18. Ongoing Disclosure. The City acknowledges that, under Rule 15c2-12 of the  
382 Securities and Exchange Commission (the “Rule”), the City may now or in the future be an  
383 “obligated person” with respect to the Bond Bank Bonds. In accordance with the Rule and as the  
384 Bond Bank may require, the City shall undertake to provide certain annual financial information  
385 and operating as shall be set forth in the Loan Agreement.

386  
387           Section 19. Authority of Officers. The City Manager, the acting City Manager, the  
388 Finance Director, the acting Finance Director, the Clerk and the acting Clerk are, and each of  
389 them hereby is, authorized and directed to do and perform all things and determine all matters  
390 not determined by this Series Ordinance, to the end that the City may carry out its obligations  
391 under the 2013 Bonds and this Series Ordinance.

392  
393           Section 20. Miscellaneous.

394  
395           (a) All payments made by the City of, or on account of, the principal of or interest on the  
396 2013 Bonds shall be made on the several 2013 Bonds ratably and in proportion to the amount  
397 due thereon, respectively, for principal or interest as the case may be.

398  
399           (b) No recourse shall be had for the payment of the principal of or the interest on the  
400 2013 Bonds or for any claim based thereon or on the Master Ordinance or this Series Ordinance  
401 against any member of the Council or officer of the City or any person executing the 2013  
402 Bonds. The 2013 Bonds are not and shall not be in any way a debt or liability of the State of  
403 Alaska or of any political subdivision thereof, except the City, and do not and shall not create or  
404 constitute an indebtedness or obligation, either legal, moral or otherwise, of said state or of any  
405 political subdivision thereof, except the City.

406  
407           Section 21. Severability. If any one or more of the provisions of this Series Ordinance  
408 shall be declared by any court of competent jurisdiction to be contrary to law, then such  
409 provision shall be null and void and shall be deemed separable from the remaining provisions of

410 this Series Ordinance and shall in no way affect the validity of the other provisions of this Series  
411 Ordinance or of the 2013 Bonds.

412  
413 Section 22. Non-Code Ordinance. This ordinance is not permanent in nature and shall  
414 not be codified.

415  
416 Section 23. Effective Date. This ordinance shall take effect upon passage and approval.

417  
418 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 13<sup>th</sup>  
419 day of May, 2013.

420  
421 CITY OF HOMER

422  
423  
424  
425 \_\_\_\_\_  
426 MARY E. WYTHER, MAYOR

427  
428 ATTEST:

429  
430  
431 \_\_\_\_\_  
432 JO JOHNSON, CMC, CITY CLERK

433  
434  
435  
436 AYES:

437 NOES:

438 ABSTAIN:

439 ABSENT:

440  
441  
442  
443 First Reading:

444 Public Reading:

445 Second Reading:

446 Effective Date:

447  
448  
449 Reviewed and approved as to form:

450  
451  
452 \_\_\_\_\_  
453 Walt Wrede, City Manager

452 \_\_\_\_\_  
453 City Attorney

454  
455 Date: \_\_\_\_\_

454  
455 Date: \_\_\_\_\_

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 13-037**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING RESOLUTION 13-030, ACCOUNT CODES, FOR LIGHT VEHICLE PURCHASE CONTRACT AWARD WITH KENDALL FORD WASILLA FOR THE FIRE DEPARTMENT AND POLICE DEPARTMENT.

WHEREAS, On March 26, 2013 Council adopted Resolution 13-030 for a contract award to Kendall Ford Wasilla for the light vehicle purchase for the Port and Harbor, Fire Department, and Police Department; and

WHEREAS, The account codes for the Fire Department and Police Department fleet reserves accounts as noted in the fiscal information were incorrect; and

WHEREAS, The correct fiscal note reads: Port and Harbor fleet reserves account 452-374-5902 for \$24,735.00; HVFD fleet reserves account 152-381-5902 for \$34,975.00; and Police Department fleet reserves account 152-382-5902 for \$31,571.00.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends Resolution 13-030 to reflect the proper account codes for light vehicle purchase contract award WITH Kendall Ford Wasilla for the Fire Department and Police Department.

PASSED AND ADOPTED BY THE HOMER CITY COUNCIL this 22<sup>nd</sup> day of April, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHER, MAYOR

ATTEST:

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

Fiscal Note: N/A

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1 CITY OF HOMER  
2 HOMER, ALASKA

City Clerk

3  
4 RESOLUTION 13-030

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,  
7 ALASKA, AWARDING THE CONTRACT FOR THE LIGHT  
8 VEHICLE PURCHASE FOR THE PORT AND HARBOR, FIRE  
9 DEPARTMENT, AND POLICE DEPARTMENT TO THE FIRM  
10 OF KENDALL FORD WASILLA OF WASILLA, ALASKA, IN  
11 THE AMOUNT OF \$91,281.00 AND AUTHORIZING THE  
12 CITY MANAGER TO EXECUTE THE APPROPRIATE  
13 DOCUMENTS.

14  
15 WHEREAS, The Invitation to Bid was advertised in the Homer Tribune on February 13  
16 and 20, 2013, and posted on the City's website; and

17  
18 WHEREAS, At the bid closure date of February 27, 2013 zero bids were received; and

19  
20 WHEREAS, The City Manager extended the bid closure date to March 18, 2013; five  
21 Ford dealers within the state were notified and sent bid specifications; and

22  
23 WHEREAS, Four bids were received and the most responsive bidder was Kendall Ford  
24 Wasilla of Wasilla, Alaska, in the amount of \$24,735.00 for a Half-ton 4x4 Pickup for Port and  
25 Harbor, \$34,975.00 for an Expedition EL for the Fire Department, and \$31,571.00 for an  
26 Expedition for the Police Department.

27  
28 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,  
29 awards the contract for the Light Vehicle Purchase for the Port and Harbor, Fire Department, and  
30 Police Department to the Firm of Kendall Ford Wasilla of Wasilla, Alaska, in the amount of  
31 \$91,281.00 and authorizes the City Manager to execute the appropriate documents.

32  
33 PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of March, 2013.

34  
35  
36 CITY OF HOMER

37  
38   
39 MARY E. WYTHE, MAYOR

40  
41  
42 ATTEST:

43  
44   
45 JO JOHNSON, CMC, CITY CLERK

46  
47 Fiscal information: Port and Harbor fleet reserves account 452-374-5902 for \$24,735.00; HVFD  
48 fleet reserves account 100-150-5227 for \$34,975.00; and HPD fleet reserves account 100-160-  
49 5227 for \$31,571.00.



## Jo Johnson

---

**From:** Laurie Moore  
**Sent:** Friday, March 29, 2013 4:14 PM  
**To:** Jo Johnson  
**Cc:** Melissa Jacobsen  
**Subject:** FW: P.O. quested for auto purchases

Hi Jo and Melissa,

Two (HVFD & HPD) of the account codes on Reso 13-030 (vehicles) are incorrect. If you need to do a revised Reso.....

The correct does are:

HVFD is 152-381-5902

HPD is 152-382-5902

Have a nice weekend!!

*Laurie Moore*

Accounting Supervisor

City of Homer, Alaska

Ph - 1-907-435-3113

E-mail - [lmoore@ci.homer.ak.us](mailto:lmoore@ci.homer.ak.us)

Fax - 1-907-235-3140

"It is our responsibilities, not ourselves, that we should take seriously."

Peter Ustinov

British actor and writer

Notice: Emails to and from this address are subject to disclosure under the Alaska public records law

---

**From:** Dana Harrington  
**Sent:** Friday, March 29, 2013 3:38 PM  
**To:** Laurie Moore  
**Subject:** RE: P.O. quested for auto purchases

Uh oh ~ the Resolution is incorrect then! Thank you for the information though.

---

**From:** Laurie Moore  
**Sent:** Friday, March 29, 2013 3:34 PM  
**To:** Dana Harrington  
**Cc:** Lori Sorrows  
**Subject:** RE: P.O. quested for auto purchases

Hello Dana,

All three vehicles can be addressed on one PO. However, the account codes for HVFD and HPD are incorrect.

HVFD is 152-381-5902

HPD is 152-382-5902

Thanks for taking care of this!

Laurie

*Laurie Moore*

Accounting Supervisor

City of Homer, Alaska

Ph - 1-907-435-3113

E-mail - [lmoore@ci.homer.ak.us](mailto:lmoore@ci.homer.ak.us)

Fax - 1-907-235-3140

"It is our responsibilities, not ourselves, that we should take seriously."

Peter Ustinov

British actor and writer

Notice: Emails to and from this address are subject to disclosure under the Alaska public records law

**From:** Dana Harrington

**Sent:** Friday, March 29, 2013 11:49 AM

**To:** Laurie Moore; Lori Sorrows

**Subject:** P.O. requested for auto purchases

Hello Ladies,

We have Resolution 13-030 in our hands, authorizing the purchase of three vehicles for three different City Departments; HVFD, HPD and us.

Bryan has informed Kendall Ford that they have won the bid for all three vehicles and Kendall has requested a P.O. Bryan is asking if I can create one P.O. with all three departments different G/L numbers (452-374-5902 us, 100-150-5227 HVFD and 100-160-5227 for HPD).

Typically I would think each department should do their own, with their own signers. We figured I should see what you gals thought?

Dana Harrington



41 June 10, 2013

42 4 pm Worksession on Task Force recommendations  
43 Public Hearing on Resolution implementing Task Force recommendations  
44 Adoption of Resolution (as amended if necessary and appropriate)

45

46 June 24, 2013

47 This date held in reserve in case the resolution is amended significantly and  
48 postponed on June 10. Further work could be conducted at a Worksession or the  
49 Committee of the Whole. A substitute resolution could be adopted and a public  
50 hearing on the substitute held.

51

52 PASSED AND ADOPTED BY THE HOMER CITY COUNCIL this 22<sup>nd</sup> day of April,  
53 2013.

54

CITY OF HOMER

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\_\_\_\_\_  
MARY E. WYTHER, MAYOR

59

60 ATTEST:

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64 JO JOHNSON, CMC, CITY CLERK

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68 Fiscal Note: N/A

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**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 12-027(A)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER,  
ALASKA, ESTABLISHING A WATER AND SEWER RATE  
TASK FORCE.

WHEREAS, Setting fair water and sewer rates has long been a contentious issue for the City Council; and

WHEREAS, Establishing a task force to review the existing rates and the rate structure for 2013 is desired; and

WHEREAS, The task force should review the current rates and proposed rates for 2013 and provide Council with a written report and recommendations; and

WHEREAS, The task force shall be comprised of five members of the community who are residents of the City and two City Councilmembers; and

WHEREAS, The appointments of the task force will be by appointment of the Mayor with approval of the City Council and have an open advertisement time that closes on April 3<sup>rd</sup> with the appointments to take place at the April 9<sup>th</sup> meeting.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes the Water and Sewer Rate Task Force and authorizes the City Clerk to begin advertising for applicants interested in serving.

BE IT FURTHER RESOLVED that the Task Force shall be comprised of five community members who are residents of the City and two City Councilmembers.

BE IT FURTHER RESOLVED that the Task Force will be supported by appropriate staff determined by the City Manager.

BE IT FURTHER RESOLVED that the Task Force will present to the City Council their findings and recommendations no later than June 25, 2013.


PASSED AND ADOPTED by the Homer City Council this 27<sup>th</sup> day of March, 2012.

CITY OF HOMER

  
\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR



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

Fiscal Note: Unknown at this time. Possible staff overtime and consultant or legal fees.



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Mayor

4 **RESOLUTION 13-039**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL  
7 ACCEPTING THE FINAL REPORT OF THE WATER AND  
8 SEWER RATE TASK FORCE, DECLARING THE WORK OF  
9 THE TASK FORCE TO BE COMPLETE, THANKING THE  
10 MEMBERS FOR THEIR SERVICE, AND DISSOLVING THE  
11 TASK FORCE.

12  
13 WHEREAS, The Water and Sewer Rate Task Force was established by the Homer City  
14 Council in March of 2012 through the adoption of Resolution 12-027(A); and

15  
16 WHEREAS, Resolution 12-027(A) directed the Task Force to review current rates,  
17 propose rates for 2013, and provide a final written report with recommendations to the Council  
18 no later than June 25, 2013; and

19  
20 WHEREAS, The Task Force held regular meetings for the past ten months and reviewed  
21 the current rate model, alternative rate models, system requirements and costs, administrative  
22 and labor requirements, and other factors central to establishing a water and sewer rate model;  
23 and

24 WHEREAS, All meetings and scheduled public hearings were properly advertised and  
25 public participation was solicited; and

26  
27 WHEREAS, The Task Force delivered its final report and provided an overview  
28 presentation of its recommendations to the City Council at a Worksession which took place on  
29 April 8, 2013; and

30  
31 WHEREAS, The Task Force has completed the scope of work prescribed in Resolution  
32 12-027(A) and there are no remaining tasks or issues to be addressed before the body.

33  
34 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby accepts  
35 the final report of the Water and Sewer Rate Task Force, declares the work of the body to be  
36 complete, and thanks the members for their service.

37  
38 BE IT FURTHER RESOLVED that the Council hereby dissolves the Water and Sewer  
39 Rate Task Force.

40

41 PASSED AND ADOPTED BY THE HOMER CITY COUNCIL this 22<sup>nd</sup> day of April,  
42 2013.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

49 ATTEST:

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53 JO JOHNSON, CMC, CITY CLERK

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57 Fiscal Note: N/A

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**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 12-027(A)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER,  
ALASKA, ESTABLISHING A WATER AND SEWER RATE  
TASK FORCE.

WHEREAS, Setting fair water and sewer rates has long been a contentious issue for the City Council; and

WHEREAS, Establishing a task force to review the existing rates and the rate structure for 2013 is desired; and

WHEREAS, The task force should review the current rates and proposed rates for 2013 and provide Council with a written report and recommendations; and

WHEREAS, The task force shall be compromised of five members of the community who are residents of the City and two City Councilmembers; and

WHEREAS, The appointmentS of the task force will be by appointment of the Mayor with approval of the City Council and have an open advertisement time that closes on April 3<sup>rd</sup> with the appointments to take place at the April 9<sup>th</sup> meeting.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes the Water and Sewer Rate Task Force and authorizes the City Clerk to begin advertising for applicants interested in serving.

BE IT FURTHER RESOLVED that the Task Force shall be comprised of five community members who are residents of the City and two City Councilmembers.

BE IT FURTHER RESOLVED that the Task Force will be supported by appropriate staff determined by the City Manager.


BE IT FURTHER RESOLVED that the Task Force will present to the City Council their findings and recommendations no later than June 25, 2013.

PASSED AND ADOPTED by the Homer City Council this 27<sup>th</sup> day of March, 2012.

CITY OF HOMER

  
\_\_\_\_\_  
JAMES C. HORNADAY, MAYOR



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

Fiscal Note: Unknown at this time. Possible staff overtime and consultant or legal fees.

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Mayor

4 **RESOLUTION 13-040**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL  
7 DIRECTING THE CITY ADMINISTRATION TO TERMINATE  
8 ALL SURVEY, DESIGN, AND COST ESTIMATING WORK  
9 ON THE KACHEMAK DRIVE PATHWAY.  
10

11 WHEREAS, Resolution 12-079(A) authorized the allocation of up to \$20,000 from the  
12 HART Fund for the purposes of survey work and an engineering estimate to determine the cost  
13 of constructing the initial one-half mile of the proposed Kachemak Drive Non-Motorized  
14 Pathway; and  
15

16 WHEREAS, the Council's intent when adopting Resolution 12-079(A) was to determine  
17 if the trail alignment favored at the time by the Parks and Recreation Advisory Commission and  
18 its sub-committee, the Kachemak Drive Path Committee, was feasible and what it might cost to  
19 construct; and  
20

21 WHEREAS, The City Engineer and contract surveyor studied the preferred trail  
22 alignment and concluded that construction would be prohibitively expensive due to the  
23 topography and terrain and that bridges, retaining walls, and slope stabilization measures would  
24 be required.  
25

26 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that it is not  
27 in the City's interest to pursue the project any further due to funding, permitting, construction,  
28 and other concerns.  
29

30 BE IT FURTHER RESOLVED that the Council hereby directs the City administration  
31 and the Parks and Recreation Advisory Commission and its subcommittee, the Kachemak Drive  
32 Path Committee to discontinue all work on this project and to expend no further funds on it.  
33

34 PASSED AND ADOPTED BY THE HOMER CITY COUNCIL this 22<sup>nd</sup> day of April,  
35 2013.  
36

37 CITY OF HOMER  
38

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40 \_\_\_\_\_  
41 MARY E. WYTHER, MAYOR

42 ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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50 Fiscal Note: N/A

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**CITY OF HOMER  
HOMER, ALASKA**

**RESOLUTION 12-079(S)**

Wythe/Parks and Recreation  
Advisory Commission

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE ALLOCATION OF UP TO \$20,000 FROM THE HART FUND FOR THE PURPOSES OF SURVEY WORK AND AN ENGINEERING ESTIMATE TO DETERMINE THE COST OF CONSTRUCTING THE INITIAL ONE-HALF MILE OF THE PROPOSED KACHEMAK DRIVE NON-MOTORIZED PATHWAY.

WHEREAS, The City of Homer has adopted the Homer Non-Motorized Transportation and Trails Plan, Homer Area Transportation Plan, Climate Action Plan, HART Policy Manual and has included the Kachemak Drive Rehabilitation/Pathway in the Capital Improvement Plan (CIP); and

WHEREAS, The Parks and Recreation Advisory Commission (PRAC) established a committee to specifically address possible solutions to the hazards presented to non-motorized and motorized users of Kachemak Drive; and

WHEREAS, The Homer City Council adopted Resolution 11-090(A), directing the Kachemak Drive Path Committee (KDPC) to work with the Transportation Advisory Committee (TAC) to more fully develop the project; and

WHEREAS, The PRAC, KDPC and TAC mutually agree that the construction of the Kachemak Drive Non-Motorized Pathway would provide a safety zone for pedestrians and a safer driving zone for the vehicle traffic on Kachemak Drive; and

WHEREAS, The PRAC, KDPC and TAC further recommend that the City of Homer consider taking the responsibility for the construction and maintenance of the Kachemak Drive Non-Motorized Pathway; and

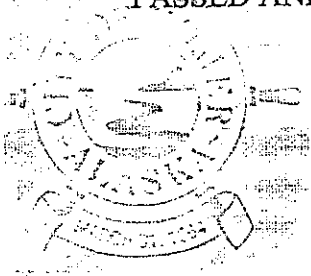
WHEREAS, The construction of the first section of the proposed Kachemak Drive Non-Motorized Pathway, from the intersection of Kachemak Drive and Spit Road, approximately one-half of a mile up Kachemak Drive towards the parking area at the crest of the hill, would provide immediate safety benefits for pedestrians, cyclists and motorists; and

WHEREAS, The first step towards determining the feasibility of constructing this initial one-half mile section of the proposed path requires surveying and an engineering estimate which is anticipated to cost not more than \$20,000.

46 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,  
47 authorizes the allocation of up to \$20,000 for the purposes of survey work and an engineering  
48 estimate to determine the cost of constructing the initial one-half mile of the proposed Kachemak  
49 Drive Non-Motorized Pathway and authorizes the City Manager and staff to proceed as required  
50 to complete these activities.

51  
52 BE IT FURTHER RESOLVED that the commitment of these funds in no way binds the  
53 City of Homer to the construction of either the initial one-half mile of pathway, or any other  
54 segments of the proposed Kachemak Drive Non-Motorized Pathway. The contribution is made  
55 solely as a good faith show of support for the construction of the Kachemak Drive Non-  
56 Motorized Pathway.


57  
58 PASSED AND ADOPTED by the Homer City Council this 8<sup>th</sup> day of October, 2012.



CITY OF HOMER

  
JAMES C. HORNADAY, MAYOR

66 ATTEST:

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69   
70 JO JOHNSON, CMC, CITY CLERK

71  
72 Fiscal Note: \$20,000 from HART, Trails Fund, Acct. No. 165-375.



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager

4 **RESOLUTION 13-041**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL  
7 APPROVING A TRANSFER OF RESPONSIBILITY  
8 AGREEMENT (TORA) BETWEEN THE CITY OF HOMER  
9 AND THE ALASKA DEPARTMENT OF TRANSPORTATION  
10 AND PUBLIC FACILITIES (ADOT/PF) REGARDING  
11 FEDERAL FUNDING AND PROJECT MANAGEMENT  
12 RESPONSIBILITIES FOR THE DEEP WATER DOCK  
13 IMPROVEMENTS FEASIBILITY STUDY.  
14

15 WHEREAS, The 2005 Federal Transportation Bill, SAFETEA-LU, contained a  
16 \$2,000,000 “Earmark” for the “Homer Intermodal Deep Water Dock Facility Improvements”;  
17 and  
18

19 WHEREAS, The purpose of the funding was to conduct a study on whether expanding  
20 and strengthening the Deep Water Dock was feasible including an analysis of costs, development  
21 alternatives, preliminary design, business demand, and permitting requirements; and  
22

23 WHEREAS, The City subsequently received a Legislative Grant in the amount of  
24 \$1,000,000 to supplement the Federal funds; and  
25

26 WHEREAS, The project was delayed for several years because the Federal funds were  
27 not released or made available due to DOT/PFs interpretation of Federal regulations related total  
28 project funding; and  
29

30 WHEREAS, The regulatory hurdles have been resolved and in order to move this project  
31 forward in a timely manner, the City has agreed to assume full responsibility for the project  
32 including responsibility for all Federal procurement, permitting, and financial reporting  
33 requirements; and  
34

35 WHEREAS, The terms of the agreement between the City and ADOT/PF are contained  
36 in the Draft Transfer of Responsibility Agreement which was reviewed by the City Council at its  
37 regular meeting on April 22, 2013.  
38

39 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves  
40 the Transfer of Responsibility Agreement between the City and DOT/PF regarding the Deep

41 Water Dock Improvements Feasibility Study, a copy of which is attached and incorporated  
42 herein.

43  
44 BE IT FURTHER RESOLVED that the City agrees to assume full responsibility for the  
45 project including all of the requirements that come with Federal Transportation Funding.

46  
47 PASSED AND ADOPTED BY THE HOMER CITY COUNCIL this 22<sup>nd</sup> day of April,  
48 2013.

49  
50 CITY OF HOMER

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MARY E. WYTHE, MAYOR

55 ATTEST:

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JO JOHNSON, CMC, CITY CLERK

59  
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63 Fiscal Note: N/A  
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**Project Name: Homer Deep Water Dock  
Feasibility Study  
Federal Project Number:  
State Project Number: 54392**

**Transfer of Responsibilities Agreement  
Between State of Alaska and  
City of Homer**

The parties to this agreement are the State of Alaska acting through its Department of Transportation and Public Facilities (hereafter DOT&PF) and the City of Homer, a Municipality established under Alaska law (hereafter the City).

WHEREAS, the City owns and maintains the Homer harbor and port facilities and large portions of the Homer Spit, identified as subject area of the Homer Deep Water Dock Feasibility Study (hereafter the Project);

WHEREAS, the City has exercised its authority under state law or local charter to assume the power to plan highways, streets, or roads or harbors and ports within its boundaries; and

WHEREAS, the City will, through a resolution of the City Council, assume all responsibility for the project; and

WHEREAS, the undersigned parties have been authorized to enter into this agreement to cooperatively complete the project under the terms and conditions identified below.

THEREFORE, the parties agree to the following.

**1. PURPOSE AND ADMINISTRATION**

- a.** The purpose of this Agreement is to set forth the requirements associated with the federal funds available for the Project and to establish the responsibilities for the planning, execution, and management of the Project.
- b.** The Federal Highway Administration (hereafter FHWA) designated DOT&PF as the agency in Alaska to administer FHWA's federal funding programs.
- c.** DOT&PF is acting to fulfill its responsibility to the FHWA.
- d.** Alaska Statute 19.05.040 and AAC 17.55 provide that DOT&PF may enter into agreements with municipalities relating to highways. In addition, AS 44.42.020 authorizes DOT&PF to cooperate, coordinate, and enter into agreements with federal, state, and local government agencies in exercising its powers and duties.

## 2. PROJECT SCOPE

- a. The scope of the project is to complete a feasibility study that analyzes issues relating to a proposed new deep water dock for the City of Homer.
- b. The **feasibility study** includes preparation of a reconnaissance report presenting alternatives, advantages and disadvantages, economic feasibility, results of public involvement, environmental considerations, and cost estimates in a manner consistent with funding requirements. The completion of this phase would consist of identifying economically feasible and cost effective alternatives (based on environmental impacts, user needs, economic viability, and construction/maintenance costs).
- c. The scope precludes National Environmental Policy Act (NEPA) level analyses and will not result in a decisional document.

## 3. DELEGATION OF DUTIES

- a. The DOT&PF delegates to the City the responsibility to perform the Project, and to administer the Project within available funds and consistent with state and federal laws and regulations.
- b. All Project procurement shall be consistent with state and federal procurement regulations. In the event that the City uses professional services to implement this agreement, the City shall use a DOT&PF reviewed and approved professional services contract process to engage the services of any consultant to perform any work covered by this agreement. Such a process should include the steps identified in DOT&PF's Professional Services Agreement (PSA) Manual. The PSA manual and all associated forms are available online at <http://www.dot.state.ak.us/procurement/index.shtml>.
- c. If the City chooses to enlist consultant services to perform any or all of the Project, the City shall forward to the DOT&PF copies of the scope of services to be performed and receive approval prior to issuing a request for proposals. In addition, the City shall offer the DOT&PF the opportunity to serve on the consultant selection committee.
- d. No reimbursement shall be made using federal-aid funds for any costs incurred by the City or its consultant(s) prior to receiving authorization from DOT&PF to proceed. Any amendments to such contract(s) also require DOT&PF's approval.

## 4. PROJECT STANDARDS

The City shall comply with all applicable Federal and State laws and regulations, including those provisions that would apply to DOT&PF if DOT&PF were to perform those tasks to be performed by the City under this agreement. Compliance will not be required with any Alaska statute or regulation that is inconsistent with Federal law or regulation.

## 5. FUNDING

The 2005 federal surface transportation bill, SAFETEA-LU, includes a \$2,000,000 Earmark for "Homer: Intermodal deep-water dock facility improvements" (AK159). This amount was reduced to \$1,812,277.20 after congressional appropriations and rescissions. The federal funds constitute

**Project Name: Homer Deep Water Dock  
Feasibility Study  
Federal Project Number:  
State Project Number: 54392**

90.97% of the total amount, and require a local match for the remaining 9.03%.

The total funding will be reduced by 3.23% for DOT&PF's Indirect Cost Allocation Plan (ICAP) assessment for pass-through projects. This rate is subject to change every state fiscal year and may result in a revision to this agreement. The total funding will further be reduced by all project chargeable review expenses incurred by the DOT&PF, estimated to not exceed \$200,000.

**Sources and amounts of funding**

SAFETA-LU Earmark allocation	\$1,812,277.20 (federal share is 90.97% of total)
Local match provided by City	\$ <u>179,892.97</u> (local match is 9.03% of total)
<b>TOTAL FUNDS</b>	<b>\$1,992,170.17</b>

**DOT&PF Costs**

DOT&PF Indirect Cost Allocation Plan (ICAP)	\$ 62,333.72 (calculation: total / 1.0323)
Estimated DOT&PF Direct Charges	\$ <u>200,000.00</u> (technical reviews)
<b>TOTAL DOT&amp;PF COSTS</b>	<b>\$ 262,333.72</b>

**Total Available to City for Project**

Total Funds	\$1,992,170.17
DOT&PF Costs	- \$ <u>262,333.72</u>
<b>TOTAL FOR CITY</b>	<b>\$1,729,836.45</b>

- a. The City acknowledges that the transfer of FHWA funds is accomplished on a reimbursable basis. This requires that the City provide the initial funds necessary to sustain the project costs until payment requests are processed.
- b. Nothing in this agreement shall be construed as a promise by the DOT&PF as to the amount or nature of federal participation in this project.
- c. The amount of this agreement available to the City for the Project **\$1,729,836.45** in federal funding plus local match.
- d. The City and DOT&PF agree that any costs for the Project in excess of the above amount or costs ineligible for federal reimbursement are the responsibility of the City.

- e. In the event costs incurred by the City are determined to be non-reimbursable by the FHWA, the DOT&PF shall immediately notify the City of that determination and the actions required of the City to address the determination.
- f. The City shall ensure that none of the funds paid under this Agreement will be used for the purpose of lobbying activities before the Alaska State Legislature.

## **6. FUNDING AUTHORIZATION**

The City shall not incur any costs eligible for reimbursement by the federal government or DOT&PF on the Project until authorized in writing by the DOT&PF.

## **7. BILLING**

The DOT&PF will reimburse the City for those costs up to the amounts allowed in the Federal aid Project Agreement between the DOT&PF and the FHWA to the extent that such costs are directly attributable and properly allocable to the Project.

The City's matching fund contributions shall be in one lump sum payment due to DOT&PF within 30 days of execution of this agreement. Upon project completion and final project closeout, if the final cost is less than the Agreement cost, the local contribution will be recalculated and excess contribution will be refunded to the City, and any remaining federal earmark funding will be returned to FHWA.

## **8. AVAILABILITY OF RECORDS**

The City shall retain all project records that document all costs incurred and actual expenditures in accordance with accepted accounting practice, procedures of the U.S. Department of Transportation, and DOT&PF. The records shall be open to inspection by the DOT&PF and FHWA at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from FHWA's approval of the final voucher/closeout of the Project. Copies of any of these records shall be furnished to the DOT&PF or FHWA upon request.

## **9. AUDIT OF PROJECT**

### **a. State and Federal Single Audit Requirements**

The City shall provide an audit meeting state (2 AAC 45.010.090) and federal (OMB Circular A-133, Audits of States, Local Governments and Non-profits) requirements for a single audit of the City's books and records covering their annual operations or this agreement specifically if \$300,000 or more of State or federal financial assistance is received during the fiscal year. An audit prepared under this paragraph shall be performed by an independent CPA firm using generally accepted government auditing standards. One audit covering both State and Federal requirements is acceptable. The audit should be completed within one year after the close of the City's fiscal year for which the audit is required. The report should be in the City's files and available to both State and federal representatives. Under applicable regulations additional copies are required for the Governor's Office and the federal government.

### **b. Consultant Audit Requirements**

DOT&PF shall perform an audit of any consultant, and possibly some subconsultants, hired by the City to work on the Project. This includes the evaluation of the consultant's rates, including

but not limited to, overhead, salaries, rent, equipment rates, and vehicle use rates.

**c. City Indirect Rates**

If the City charges an indirect cost rate (overhead rate) to this agreement, the rate is subject to audit and must meet the requirements of OMB Circular A-87 to be eligible for reimbursement.

**d. Other**

The City must reimburse DOT&PF for any overpayments or ineligible costs identified during these audits, or from not using proper procedures. The City is responsible for any costs associated with audits required under this section. Such costs are a project expense eligible for reimbursement under this agreement. The DOT&PF may conduct its own audit of the project records at any time.

## **10. INDEMNIFICATION**

- a.** The City shall indemnify, defend, and hold harmless DOT&PF, its officers, agents and employees from all liability, including costs and attorney's fees, for all actions or claims resulting from injuries or damages sustained by any person or property as a result of the City, its contractors', or its employees' performance of this agreement.
- b.** Responsibility for all actions or claims, including costs and attorney's fees, resulting from injuries or damages sustained by any person or property arising directly or indirectly from the City's performance of the agreement, which result from the joint negligence of DOT&PF and the City, shall be apportioned on the basis of comparative fault.

## **11. CONTRACT PROVISIONS REGARDING NONDISCRIMINATION**

- a.** The City shall comply, and shall require compliance by any consultants, with all Federal, State and local laws, regulations and ordinance relating to civil rights.

## **12. PENALTY FOR BREACH**

- a.** Neglect or failure of the City to comply with any of the terms, conditions, or provisions of this Agreement, including misrepresentation of fact, may be an event of default, unless such failure or misrepresentation is the result of natural disasters, strikes, lockouts, acts of public enemies, insurrections, riots, epidemics, civil disturbances, explosions, orders of any kind of governments of the United States or State of Alaska or any of their departments or political subdivisions, or any other cause not reasonably within the City's control. The City, however, shall remedy as soon as possible each cause preventing its compliance with this Agreement.
- b.** If notified by DOT&PF in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the City shall have thirty (30) days from the date of such notification to remedy the default or, if the remedy will take in excess of thirty (30) days to complete, the City shall have thirty (30) days to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the thirty (30) days and failure by the City to remedy, or to satisfactorily commence the remedy of, the default whether payment of funds has been fully or partially made, shall result in DOT&PF, at its discretion, declining to make any further payments to the

City, or in the termination of this Agreement by DOT&PF. If this Agreement is terminated pursuant to this clause, the City shall be liable to repay to DOT&PF all of the federal funds disbursed to it under this Agreement.

- c. If the City makes a written request for the cancellation of a federal-aid project, the City shall bear 100% of all costs as of the date of cancellation. If DOT&PF was the sole cause of the cancellation, DOT&PF shall bear 100% of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of DOT&PF or the City, the City shall bear all development costs, whether incurred by DOT&PF or the City, either directly or through contract services, and DOT&PF shall bear any administrative costs incurred.

### **13. DISPUTE RESOLUTION**

- a. If a dispute arises under this agreement between the City and DOT&PF, and the parties cannot resolve the matter between them within 45 days after the notice is given by the aggrieved party to the other party, the aggrieved party may request that the matter be resolved by arbitration.
- b. Each party shall appoint an arbitrator to hear the dispute. The two arbitrators acting together shall select a third arbitrator with all appointments to occur in accordance with State Procurement code, AS 36.50. The three arbitrators shall hear the matter under such rules and procedures, as they deem necessary to conduct the proceedings.
- c. Each party shall pay the expenses of the arbitrator it appoints and shall pay half of the cost of the proceedings and the third arbitrator.
- d. Except when the provisions of this paragraph provide otherwise, an arbitration under this paragraph is subject to AS 09.43.010 – 09.43.180, the Uniform Arbitration Act.

### **14. TERM**

This Agreement shall become effective on the date of the last signature.

### **15. WAIVER OF PROVISIONS**

The failure of the DOT&PF to insist upon strict performance by the City of any provision in this Agreement is not a waiver or relinquishment of the provision for the future. The waiver by the DOT&PF of any provision in this Agreement cannot be enforced or relied upon by the waiver unless the waiver is in writing and signed on behalf of the DOT&PF.

### **16. CONTACTS**

The DOT&PF's contact is the Central Region Surface Transportation Planning Manager. The City of Homer contact is the City Manager, or as may be redesignated in writing from time to time.

### **17. TERMINATION FOR PUBLIC CONVENIENCE**

The Commissioner of the DOT&PF may terminate this agreement if:

- a. the requisite federal funding becomes unavailable through failure of appropriation;
- b. a contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an



**Project Name: Homer Deep Water Dock  
Feasibility Study  
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Executive Order of the President or Governor of the state with respect to the preservation of energy resources;

- c. a contractor is prevented from proceeding with the work by reason of a preliminary temporary restraining order, special, or permanent injunction of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor; or
- d. the Commissioner of the DOT&PF determines that such termination is in the best interests of the DOT&PF.

DOT&PF will give written notice of its decision not less than 15 days before the effective date of termination. Reimbursement will be in accordance with 17 AAC 55.060 (b).

#### **18. ASSIGNMENT**

The City may not assign its rights, responsibilities, or obligations arising out of this agreement without prior written consent of the DOT&PF.

#### **19. AMENDMENT OF AGREEMENT**

This agreement may only be modified or amended by written agreement signed by the original signatories or their successors in office.

#### **20. THE WHOLE AGREEMENT**

This agreement constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this agreement. This agreement may not be amended by the parties unless agreed to in writing with both parties signing through their authorized representatives.

**SIGNATURES**

\_\_\_\_\_  
City of Homer Date

State of Alaska  
\_\_\_\_\_ Judicial District

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

L.S. \_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Alaska Department of Transportation and Public Facilities Date

State of Alaska  
\_\_\_\_\_ Judicial District

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

L.S. \_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

**ACKNOWLEDGMENT OF THE ASSEMBLY  
OR COUNCIL OF THE MUNICIPALITY**

Be it remembered that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at a regular meeting, of the \_\_\_\_\_ of \_\_\_\_\_, a municipality established under Alaska law, granted its approved of the foregoing instrument.

Dated: \_\_\_\_\_



**BEST BEGINNINGS**  
Alaska's Early Childhood Investment

## Best Beginnings Homer

c/o Homer Public Health Center, 195 Bunnell Avenue, Ste. C, Homer, AK 99603

*A coalition of non profit agencies and individuals supporting early childhood education in the Homer area.*

*Co-Chair*

Bonnie Betley,  
Homer Public Health  
907-235-8857

*Co-Chair*

Lolita Brache,  
Kachemak Kids Early Learning Center

*Treasurer*

Liz Cupp  
Homer Public Health Center  
907-235-8857  
Fiscal Agent: Sprout

*Contract Coordinator*

Jenny Martin  
907-435-7101

2013 Goals & Leaders:

*Community Awareness*

Terri Mach,  
Head Start Director

*Language & Literacy*

Ann Dixon,  
Homer Public Library Director

*Parent Engagement & Education*

Jill Lush,  
Sprout Director

*Playspaces*

Kate Crowley,  
Parent

*Business & Economic Impact*

Red (Lisa) Asselin,  
Raspberry Lane Preschool & Parent

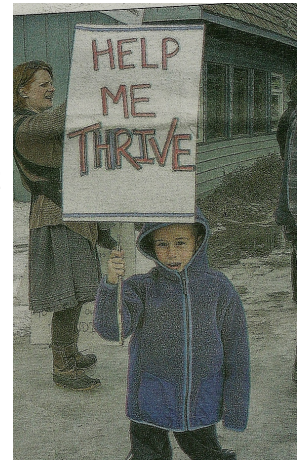


Left: Best Beginnings supported free child care for our February Community Café in collaboration with the local Paul Banks Elementary School. Right: parents & kids organize to sweep parking lots to raise more money for equipment at Bayview Park.



Top Left/Right: Parents and kids successfully picket outside the LIO and testify about the need for early education and funding support for Best Beginnings.

Bottom Left/Right: Library outreach storyhour program brought fun activities to the McNeil Canyon & Razdolna areas to an average 15 families weekly.



Educational Classes for parents and child care providers held yearly with Best Beginnings support! (Above- Brian Partridge, KBC professor Psychology. Left- Bonny Headley, UAA professors in Early Education)

## Accomplishments for FY13

### Language & Literacy Work Group:

- Outreach storyhour program provided 3 months of library story hour and language/literacy training in three locations: Russian Old Believer Village of Razdolna, McNeil Canyon area, and Head Start. An average of 15 families/children attended regularly. Collaboration with Homer Public Library, Homer Foundation and locations noted.
- Mini grant awarded for \$900 to Kachemak Kids Early Learning Center (KKELC) to promote language and literacy development with young children. KKELC used the mini grant to create 15 book bags that include 4-5 books and a puppet. The bags will be made by local seamstress & KKELC parent. Bags will be available for KKELC families to check out on a weekly basis. This will aid families in increasing literacy time at home in a playful and interactive way with their children while reinforcing its direct link to language development and cognitive skills.
- “Exposing Infants & Toddlers to Language” presentation by Bonny Headley, UAA Assistant Professor, Early Childhood. Organized two 3 hour trainings for local child care providers, parents, and professionals. Ceu credits available for child care providers and foster care parents. We provided substitute-staff reimbursement so child care workers could attend. 11 people attended including public library’s children’s librarian, several child care providers, parents, Head Start staff and speech therapist with Sprout.

### Playspaces Work Group:

- Networking with local organizations led by the City’s Community Rec director, to create a local outdoor trail map that includes trails and outdoor activities suitable for young children.
- Completed the “adopt a park” forms for Bayview Park in Homer and will hold yearly clean up day and assessments at the park to keep it friendly, safe and appropriate for young children. “Host” a port-a-potty each summer at the park.
- Completed Trails Survey with community to address safety, maintenance and use of local trails by families with young children and child care programs. Information was presented to the City’s Parks & Rec Committee in February.
- Completed annual safety and maintenance assessments on both indoor and outdoor playspaces. Information shared at City’s Parks & Rec Committee in February.

### Parenting Education & Engagement Work Group:

- Supporting Sprout’s Home visiting Parents as Teachers program which provides parenting support and children playgroups in Anchor Point, Homer, Russian Villages, and across the bay.
- Supporting Parenting Classes happening throughout the local area for parents, child care providers, and professionals working with young children.

### Community Awareness Work Group:

- Provided \$500 for Emergency “Drop In” child care via local child care program Stay Play Learn. Funding available for any parent in need of emergency child care.
- Community café on Feb 16 with Paul Banks Elementary. Over 25 parents and 18 children attended this free event. Paul Banks provided free child care and lunch. 10 local organizations provided early childhood educational information for parents and caregivers. 6 organizations passed out information at table/booths.
- 10 parents and children picketed successfully outside the Legislative Information Office and testified for restored funding to Best Beginnings in both the House and Senate budgets. Over 30 people also wrote postcards and letters.
- Local advertisement at the Homer Movie theater showing before every movie for six months.
- Week/Month of the Young Child events organized throughout the community in April. Community Café April 19 on communicating and networking coordinated for professionals and persons who work with and/or are concerned about the needs of young children and their families. Presentations by local Chamber, Katie Koester (City’s Economic Development staff), Foster Care system, and Sharon L Bohjanen, UAA Prof. Counseling & Special Ed.
- Participation in MAPP--community coalition. Regular presentations at quarterly meetings, on-line “group” presence.

### Business & Economic Work Group:

- Presentation to the City’s Economic Development Commission on the needs of child care businesses and how they affect the city’s economy and ability for parents to work. Commission member Brad Faulkner joined our work group, acting as a liaison with the city.
- Advocated for improved “family friendly” language on the City of Homer’s and Chamber’s websites showing that Homer is supportive of early education and families.

CITY OF HOMER  
HOMER, ALASKA

MAYOR'S PROCLAMATION

Month of the Young Child  
April 2013

WHEREAS, All young children need and deserve high-quality early learning experiences that will prepare them for life; and

WHEREAS, Positive and purposeful parenting, high quality and accessible child care and early education programs build strong brains during the critical years from birth to 5; and

WHEREAS, Studies and research continue to reinforce that preparing babies and young children to succeed in school and life has profound impacts on building a strong and vibrant economy; and

WHEREAS, Best Beginnings Homer and other local Homer organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Month of the Young Child; and

WHEREAS, These organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Homer and outlying areas; and

WHEREAS, Teachers, child care providers, and others who make a difference in the lives of young children in Homer deserve thanks and recognition; and

WHEREAS, Public policies that support early learning for all young children are crucial to young children's futures.

NOW, THEREFORE, I, Mary E. Wythe, Mayor, do hereby proclaim *April as the Month of the Young Child* in Homer, Alaska, and encourage all citizens to work to make an investment in early childhood education in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 22<sup>nd</sup> day of April, 2013.

CITY OF HOMER

---

MARY E. WYTHER, MAYOR

ATTEST:

---

JO JOHNSON, CMC, CITY CLERK

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# *Mayor's Proclamation*

*Municipal Clerks Week*

*May 5 - 11, 2013*

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, Mayor and City Council and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim the week of May 5 - 11, 2013 as:

## **MUNICIPAL CLERKS WEEK**

and encourage all residents to take advantage of the variety of information, records assistance and services that the City Clerk's Office provides.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE Seal of the City of Homer, Alaska to be affixed this 22<sup>nd</sup> day of April, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

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

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**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**BIKE MONTH  
May 2013**

WHEREAS, For more than a century the bicycle has been an utilitarian, economical, environmentally sound and effective means of personal transportation, recreation and fitness; and

WHEREAS, The United States Census Bureau's American Community Survey shows that Alaska ranks sixth in the nation in the proportion of adults who bike to work; and

WHEREAS, Many Homer residents enjoy riding bicycles, especially during the spring and summer months, and Homer is blessed with unique riding trails and landscapes suited for bicyclists of all levels; and

WHEREAS, The City of Homer, Alaska recognizes the bicycle as a legitimate roadway vehicle and therefore is entitled to legal and responsible use of all public roadway facilities in Alaska except highways constructed to interstate standards; and

WHEREAS, The bicycle is an affordable and viable form of transportation as well as an excellent form of health and fitness; and

WHEREAS, Both bicyclists and motorists should always be careful and conscientious of their surroundings. Bicycling does not require additional infrastructure or maintenance if we "share the road;" and

WHEREAS, The City of Homer, Alaska encourages the increased use of the bicycle, benefiting all citizens of Homer by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering exercise; and

WHEREAS, During the month of May, Homer Cycling Club along with, schools, parks and recreation departments, police departments, hospitals, businesses, and civic groups throughout Alaska will be promoting bicycling as a wholesome transportation activity, as well as an environmentally friendly supplement to automobile travel; and

WHEREAS, Many Alaskans will experience the joys of bicycling through educational programs, commuting events, helmet promotions, and other bicycling events.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim May 2013 as:

**BIKE MONTH**

and the week of May 13 - 17 as Bike to Work Week and May 17 as Bike to Work and School Day. I encourage all Alaskans to participate in Bike Month activities, to always be aware of cyclists on our roads, and to recognize and practice bicycle safety throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 22<sup>nd</sup> day of April, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHER, MAYOR

ATTEST:

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

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**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**National Women's Health Week  
May 12 - 18, 2013**

WHEREAS, National Women's Health Week was initiated in the dawn of the new millennium by a group of public and private organizations dedicated to raising awareness of women's health issues; and

WHEREAS, From that day forward National Women's Health Week has occurred in the spring with an annual celebration held the week following Mother's Day; and

WHEREAS, National Women's Health Week is a celebration of women taking responsibility for their own health through greater knowledge and understanding; and

WHEREAS, National Women's Health Week celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

WHEREAS, Kachemak Bay Family Planning Clinic has created events in Homer, Alaska, to officially launch our local efforts.

NOW, THEREFORE, I, Mary E. Wythe, Mayor, do hereby proclaim the week following Mother's Day - Sunday, May 12 through Saturday, May 18, 2013 to be:

***National Women's Health Week***

in Homer, Alaska, and urge all citizens to participate in the activities planned hereforth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 22<sup>nd</sup> day of April, 2013.

**CITY OF HOMER**

\_\_\_\_\_  
**MARY E. WYTHER, MAYOR**

ATTEST:

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

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**HOMER FOUNDATION**  
**REPORT: City of Homer Grants Program 2013**

I regret that I am unable to make this report in person due to scheduling conflicts. I am happy to report to the Council at any time in the future should you so request it. The Homer Foundation appreciates the opportunity to assist the City of Homer by administering this annual grants program that provides important operating funds to Homer's vital nonprofit community. This is the 14<sup>th</sup> year of the City of Homer Grants Program. A total of \$618,284 has been distributed since 2000.

Each year we assemble a review committee comprised entirely of residents of the City of Homer. HF Board of Directors Bonnie Jason and Steve Albert were joined by community members Susan Cushing, Kathy Hill, Ann Keffer, and Gary Thomas. The committee members received their packets March 6<sup>th</sup>, and reconvened on March 20<sup>th</sup>, at 6 pm in the Homer Foundation conference room to review and score applications. All committee members agreed in writing to adhere to the Homer Foundation's Conflict of Interest Policy. Ex. Director Joy Steward chaired the meeting and was present to answer questions, notate conflicts of interest, and record the meeting. Homer Foundation Distribution's Committee Chair John Mouw recused himself from the committee as he is a fiduciary of one of the grantees. There were no other disclosures made, and no conflicts existed. HF Board Chair Ken Castner participated to operate the scoring matrix, displaying it for the committee via PowerPoint.

The funding available for this year's grant cycle included the City's current year \$19,000 allocation, \$25,475 in earned income from the City's endowment fund, and \$1,959 in earned income from the City of Kachemak's endowment fund, added annually in the spirit of good neighbors. We appreciate having the flexibility to allocate these funds each year depending on need. This year, of the City's current year allocation of \$19,000, \$10,034 was placed into the corpus of the City's endowment fund, leaving a total of \$36,400 available for distribution.

Eight applications were received. Committee members scored the organizations using the weighted criteria established for the four areas covered in the application: Financial Health (30 pts.), Governance (15 pts.), Correlation of Mission to Programs (40 pts.), and Leverage (15 pts.). They used these scores to prioritize applicants and recommend funding levels. The Homer Foundation board of trustees approved the Committee's recommendations at their March 27<sup>th</sup> board meeting. The following grant recommendations were approved for funding:

<b><u>Organization</u></b>	<b><u>2013 Awards</u></b>
<u>Bunnell Street Gallery</u>	\$ 4,900
<u>Center for AK Coastal Studies</u>	\$ 5,000
<u>Cook Inlet Keeper</u>	\$ 3,500
<u>Homer Community Food Pantry</u>	\$ 4,600
<u>Homer Council on the Arts</u>	\$ 4,900
<u>Hospice of Homer</u>	\$ 5,500
<u>Kachemak Heritage Land Trust</u>	\$ 3,500
<u>Kachemak Nordic Ski Club</u>	\$ 4,000
Total:	\$36,400

Report submitted by Joy Steward, Ex. Director, The Homer Foundation 4/15/13.


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APR 11 2013

Dear Homer City Council,

Kachemak Kids Early Learning Center thanks you for providing us with the opportunity to expand our after school program for children ages 5 through 9 years old. The Homer Foundation through the City of Homer Grants Program awarded KKELC with \$2,800.00. The funds were used to support our gymnastics and art programs with the school age children enrolled at KKELC. Your support for early learning and school age program support is greatly appreciated by Kachemak Kids families, board and staff.

Thank you

  
Hanna Johnson  
Executive Director  
Kachemak Kids Early Learning Center  
907-235-2205  
kkelcdirector@gmail.com







APR 11 2013

*Engaging and Connecting our Community with the Arts*

355 W Pioneer Ave, Homer AK 99603 | hcoa@homerart.org | fax: 907.235.4308 | tel: 907.235.4288

City Council of Homer Alaska  
Homer City Hall  
491 E. Pioneer Ave.  
Homer, AK 99603

April 10, 2013

Honorable Mayor and Members of the City Council:

On behalf of the Board of Directors and members of the Homer Council on the Arts, please allow me to express our heartfelt gratitude for your support as expressed in the award of an Operating Support Grant for 2012-13 in the amount of \$4,900.

We believe that the continued financial support of arts and culture organizations in Homer is essential to the economic future and well being of this community. We strongly agree with the reasoning advocated by the Homer Economic Development Advisory Commission in the 2011 Comprehensive Economic Development Strategy. That roadmap to the future includes unequivocal support for continuing to expand a "creative economy" as an important strategy for Homer's economic growth.

Supporting the arts is, however, not simply good business sense. A rapidly growing body of research is demonstrating the critical role that the arts play in the overall well being of a community. In light of Homer's growing aging demographic, the finding that active involvement of senior citizens in art, dance and music reaps unforeseen health benefits is particularly exciting. The Homer Council on the Arts is committed to expanding its activities to better serve this population. Published research also continues to reinforce the importance that art and music have in the development of children's minds and their emotional well-being. Our commitment to creating art experiences in the lives of Homer's children is paramount to our overall mission.

Thank you again for your continued support and leadership.

Sincerely,

  
Gail Edgerly  
Executive Director  
Homer Council on the Arts





## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121

(f) 907-235-3148

### Memorandum 13-055

TO: Mayor Wythe and Homer City Council

THROUGH: Walt Wrede

FROM: Katie Koester, Community and Economic Development Coordinator

DATE: April 15, 2013

SUBJECT: Green Dot Update

---

The purpose of this memo is to update the Council on the Green Dot initiative in Homer.

Green Dot is a violence prevention program that teaches bystander intervention. The State of Alaska chose Homer as a pilot community for Green Dot. This is a "train the trainers" program where Green Dot trainers travel to Homer and train a group of people who will then be responsible for training representatives of different groups in bystander intervention. The City Council supported Green Dot with \$3,500 in Resolution 13-016.

Green Dot had their first training and kick off to Green Dot on Tuesday March 12, 2013. The next training is Friday, April 26 and Monday, April 29, at the Episcopal Church, from 9-5. Council members are welcome to stop by for part of the training, or sign up for the entire training through the Haven House.

A group of members representing different agencies has formed a steering committee for Green Dot to help guide implementation (Kachemak Bay Family Planning Clinic, State of Alaska Division of Public Health Homer, Homer Prevention Project, Council on Domestic Violence, The Center, Alaska Family Violence Prevention Project and Haven House). Though the City of Homer is not represented on the steering committee, I will be checking in from time to time to keep the Council updated on the progress of implementing Green Dot.

Enc: Green Dot Alaska

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# Green Dot Alaska

## What is Green Dot?

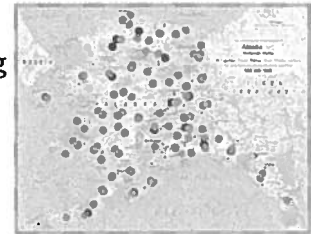
Imagine a map. The small red dots spreading across the map show the spread of some terrible epidemic. Each tiny red dot shows one case. With shocking speed, the three or four single dots multiply and spread until the whole map emits a red glow made up of a zillion tiny dots.

Now think about a map of your community. Imagine there are red dots on this map. A red dot is a moment when somebody does or says something to hurt someone or allows someone to be hurt. A red dot is a hit. A red dot is a rape. A red dot is when someone hurts a child. When we see or hear something and we know someone may be getting hurt - but we aren't able to say anything to help. That moment of inaction lets a red dot get on our map. A red dot is just a small choice. It's hard to know how many red dots are on our map. But we know this: there are enough red dots that we have numbers like 1 in 3 people getting hurt.

Now imagine a green dot in the middle of all of those red dots. A green dot is just a single choice. A green dot is anything someone does or says that shows that violence is not ok. A green dot is walking a friend home because you are worried about them. A green dot is

checking in by calling or knocking on the door when you hear that fight next door. A green dot is calling

911 if you believe someone might be getting hurt. A green dot is talking to your brother or a friend. A green



dot is adding a question about abuse on a patient questionnaire at your medical clinic. A green dot is volunteering for an hour at your community center. A green dot is taking 5 minutes at bingo to tell everyone why this matters to you. A green dot is reading all you can about interpersonal violence and how to support victims. A green dot is talking about this issue with your neighbor while you are having coffee.

How many green dots will it take to make our community safer? How many of us need to add 2 or 3 or 7 or 50 dots to this map to begin to make a difference? We cannot know the exact number, but we do know this: there are enough people who don't want anyone to get hurt that together we can make our communities safer. When we begin replacing moments of violence with moments of support and safety, our communities will be safer for our children, partners, friends and co-workers. The power of Green Dot is this simple shared vision and common goal: We can all put green dots on our map.

**Green Dots are individual choices – that meet in a shared vision creating the momentum of a social movement.**



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

**Ordinances 13-06 and 13-10**

A **public hearing** is scheduled for **Monday, April 22, 2013** 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.

**Ordinance 13-06 and 13-10 internet address:**  
**<http://www.cityofhomer-ak.gov/ordinances>**

**Ordinance 13-06**, An Ordinance of the Homer City Council, Amending HCC 3.12.020 Permanent Fund Contributions, and HCC 3.12.060 Expenditures of Income, to Provide that Five Percent of Income from the Homer Permanent Fund Income Sub-Fund is Available to be Appropriated for Grants to The Homer Foundation for the Benefit of the Community. City Clerk/Permanent Fund Committee.

**Ordinance 13-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant. City Manager/Public Works Director.



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](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

Jo Johnson, CMC, City Clerk

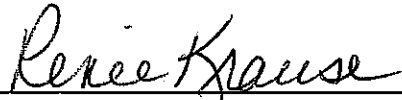
Publish: Homer Tribune: April 17, 2013

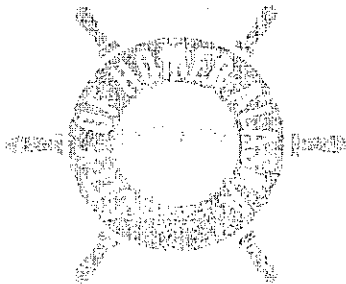
A handwritten signature in black ink, appearing to read "Jo Johnson".

**CLERK'S AFFIDAVIT OF POSTING**

I, Renee Krause, Deputy City Clerk I for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 13-06, Amending HCC 3.12.020 Permanent Fund Contributions, and HCC 3.12.060 Expenditures of Income, to Provide that Five Percent of Income from the Homer Permanent Fund Income Sub-Fund is Available to be Appropriated for Grants to The Homer Foundation for the Benefit of the Community and Ordinance 13-10, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office and Redden Marine on April 12, 2013 and that the City Clerk posted same on City of Homer Homepage on April 11, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 11th day of April, 2013.

  
\_\_\_\_\_  
Renee Krause, Deputy City Clerk I





**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-06**

An Ordinance of the Homer City Council, Amending HCC 3.12.020 Permanent Fund Contributions, and HCC 3.12.060 Expenditures of Income, to Provide that Five Percent of Income from the Homer Permanent Fund Income Sub-Fund is Available to be Appropriated for Grants to The Homer Foundation for the Benefit of the Community.

Sponsor: City Clerk/Permanent Fund Committee

1. City Council Regular Meeting March 11, 2013 Introduction
  - a. Memorandum 13-036 from Permanent Fund Committee as backup
  - b. Permanent Fund Committee Synopsis of February 14, 2013
  
2. City Council Regular Meeting April 22, 2013 Public Hearing and Second Reading
  - a. Memorandum 13-036 from Permanent Fund committee as backup
  - b. Permanent Fund Committee Synopsis of February 14, 2013
  - c. Email from City Attorney, Re: Ordinance 13-06



1 CITY OF HOMER  
2 HOMER, ALASKA

3 City Clerk/  
4 Permanent Fund Committee

5 ORDINANCE 13-06  
6

7 AN ORDINANCE OF THE HOMER CITY COUNCIL,  
8 AMENDING HCC 3.12.020 PERMANENT FUND  
9 CONTRIBUTIONS, AND HCC 3.12.060 EXPENDITURES OF  
10 INCOME, TO PROVIDE THAT FIVE PERCENT OF INCOME  
11 FROM THE HOMER PERMANENT FUND INCOME SUB-  
12 FUND IS AVAILABLE TO BE APPROPRIATED FOR  
13 GRANTS TO THE HOMER FOUNDATION FOR THE  
14 BENEFIT OF THE COMMUNITY.

15  
16 THE CITY OF HOMER HEREBY ORDAINS:

17  
18 Section 1. HCC 3.12.020, Contributions, is amended to read as follows:  
19

20 3.12.020 Contributions. a. If monies from the distribution of the Exxon Valdez settlement  
21 or other forms of “wind-fall” monies become available to the City, ~~95%~~ **100%** of such funds  
22 shall be placed in the Homer Permanent Fund.

23 b. “Wind-fall monies” shall be defined as any new monies received by the City from any  
24 source other than standard budgeted operating revenues and not allocated to any specific  
25 purpose. “Wind-fall monies” do not include bond proceeds, grant funds allocated to a specified  
26 purpose, or the proceeds of non-Exxon Valdez litigation when such proceeds are recovered as  
27 damages to compensate or reimburse the city for expenditures previously made by the city. In all  
28 cases, the City Council’s determination of whether monies are “wind-fall” is final and  
29 conclusive.

30 ~~e. The remaining five percent of Exxon Valdez settlement funds and other wind fall~~  
31 ~~monies are available to be appropriated by the City Council for grants to the Homer Foundation~~  
32 ~~or other local non-profit organizations for the benefit of the community.~~  
33

34 Section 2. HCC 3.12.060, Expenditures of income, is amended to read as follows:  
35

36 3.12.060 Expenditures of income. a. Expenditures of Permanent Fund income may be  
37 made only as authorized in this chapter.

38 ~~b. The income from the income sub-fund may be appropriated by the City Council and be~~  
39 ~~expended for general governmental purposes, including but not limited to ordinary operating~~  
40 ~~expenses.~~ **Five percent of the income from the income sub-fund is available to be**  
41 **appropriated by the City Council for grants to the Homer Foundation for the benefit of the**  
42 **community. The remainder of the income from the income sub-fund may be appropriated**  
43 **by the City Council and be expended for general governmental purposes, including but not**  
44 **limited to ordinary operating expenses.**

45 c. The income from the growth sub-fund shall not be expended. It shall be added to the  
46 principal of the growth sub-fund and reinvested.



## **PENDING BUSINESS**

### **NEW BUSINESS**

- A. Review of Homer City Code 3.12 the Established Investment Policies of the Permanent Fund

The language in HCC 3.12.020(c) may need to be cleared up to exclude other local non-profit organizations and allocate to The Homer Foundation only. The current language reads five percent of funds are available for distribution. It should be interest on five percent of the funds.

MAURAS/ROBERTS – MOVED TO AMEND HCC 3.12.020(A) TO 100%; HCC 3.12.020(C) TO READ: FIVE PERCENT OF THE ELIGIBLE EARNINGS FROM THE PERMANENT FUND AND OTHER WINDFALL MONIES ARE AVAILABLE TO BE APPROPRIATED BY THE CITY COUNCIL FOR GRANTS TO THE HOMER FOUNDATION FOR THE BENEFIT OF THE COMMUNITY.

The five percent of the earnings that were to be distributed will go to The Homer Foundation. Windfall monies may or may not include earnings from the jack-up rig.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendations will be forwarded to City Council by memorandum with an ordinance making the changes.

### **INFORMATIONAL MATERIALS**

- A. U.S. Bank Reports for period ending December 31, 2012

#### **COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)**

There were no comments of the audience.

#### **COMMENTS OF THE CITY STAFF**

There were no comments from the staff.

#### **COMMENTS OF THE COUNCILMEMBER**

Francie Roberts is glad to be on the committee as she has always been interested in what is done here.

#### **COMMENTS OF THE CHAIR**

Acting Chair Johnson stated she misses Barbara and will miss Regina.

Session 13-01 a Regular Meeting of the Permanent Fund Committee was called to order on February 14, 2013 at 5:17 p.m. by Acting Chair Jo Johnson at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMITTEE MEMBERS: FRANCIE ROBERTS, MATT NORTH, REGINA MAURAS, JO JOHNSON

**ABSENT:** BARBARA HOWARD (excused)

### **APPROVAL OF AGENDA**

MAURAS/ROBERTS - MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA**

There were no public comments.

### **APPROVAL OF MINUTES**

A. Synopsis of Regular Meeting of November 8, 2012

MAURAS/NORTH - MOVED TO APPROVE THE MINUTES OF NOVEMBER 8<sup>TH</sup>.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS**

### **STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS**

Regina Mauras reported the balances of the Permanent Fund ending December 31, 2012: Income - \$596,197 and Growth - \$1,052,951 for a Total of \$1,649,148. The amount excludes the recent allotment to Green Dot.

Another local investor expressed his concerns about how the investments were handled by U.S. Bank. Mrs. Mauras encouraged him to speak to the PFC if he had concerns.

### **PUBLIC HEARING**

## **COMMENTS OF THE COMMISSION**

Matt North commented if there are questions about the statements and the values of the bonds with large premiums we should have someone available to address how premiums work. He is happy to do that.

Francie Roberts requested a brief presentation by Matt North at the next meeting on bonds.

Regina Mauras commented U.S. Bank is to report to us sometime in the year. She has not yet heard from them. In her absence there may or may not be a Finance Director before the May meeting. She suggested an acting Finance Director sit in the seat since it is such a small body.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 5:32 p.m. The next Regular Meeting is scheduled for Thursday, May 9, 2013 at 5:15 p.m. in the Homer City Hall Cowles Council Chambers, 491 E. Pioneer Avenue, Homer, Alaska.

Submitted by Jo Johnson





# 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](mailto:clerk@ci.homer.ak.us)

## MEMORANDUM 13-036

**TO:** MAYOR WYTHE AND CITY COUNCIL

**FROM:** JO JOHNSON, CMC, CITY CLERK & COMMITTEE MEMBER 

**DATE:** MARCH 5, 2013

**SUBJECT:** AMENDMENTS TO THE DISTRIBUTION PROVISIONS OF THE PERMANENT FUND

The Permanent Fund Committee is tasked with review of the established investment policies of the Permanent Fund each year. At their February meeting the committee made the review and recommended an amendment to the language for the five percent of funds allocated to non-profits.

The committee recommended clarifying the language of the five percent distribution of the eligible earnings from the income sub-fund. Additionally, they recommended The Homer Foundation be the sole recipient of those funds for distribution. The committee felt that distributing the eligible earnings solely to The Homer Foundation would be a better means of ensuring the funds were used for the benefit of the entire community.

### RECOMMENDATION:

Adopt Ordinance 13-06 with the amendments as proposed by the Permanent Fund Committee.



**Jo Johnson**

---

**From:** Thomas Klinkner <tklinkner@BHB.com>  
**Sent:** Friday, March 01, 2013 4:21 PM  
**To:** Jo Johnson  
**Cc:** Walt Wrede  
**Subject:** RE: New Ordinance for March 11

Jo,

This ordinance may need to include further clarification of the permitted use of permanent fund monies. As amended, does HCC 3.12.020(c) authorize only the distribution of 5% of eligible earnings from the Permanent Fund, or does it also authorize the distribution of 5% of "other windfall monies"? If the former, the subsection would be clarified by the deletion of the phrase "other windfall monies."

It appears that HCC 3.12.020(c) originally was intended to address the disposition of the 5% of Exxon Valdez settlement and other windfall monies that were not deposited in the permanent fund. HCC 3.12.060(b) addressed the disposition of permanent fund earnings: "The income from the income sub-fund may be appropriated by the City Council and be expended for general governmental purposes, including but not limited to ordinary operating expenses." To clarify the relationship between the distribution of earnings that the amendment is intended to authorize, and the distribution of earnings that is addressed in HCC 3.12.060(b), I recommend considering the deletion of HCC 3.12.020(c) altogether, and addressing the disposition of earnings only in HCC 3.12.060(b), so that HCC 3.12.060(b) might read something like the following: "b. Five percent of the income from the income sub-fund is available to be appropriated by the City Council for grants to the Homer Foundation for the benefit of the community. The remainder of the income from the income sub-fund may be appropriated by the City Council and be expended for general governmental purposes, including but not limited to ordinary operating expenses." If the five percent of earnings was intended to be five percent of total permanent fund earnings (rather than 5% of income sub-fund earnings), then HCC 3.12.060(b) should provide for 8.3% of income from the income sub-fund to be appropriated to the Homer Foundation.

\*\*\*\*\*

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Tel. 907.276.1550 Fax 907.276.3680

<http://www.birchhorton.com>

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**From:** Jo Johnson [<mailto:JJohnson@ci.homer.ak.us>]  
**Sent:** Thursday, February 28, 2013 10:33 AM  
**To:** Thomas Klinkner  
**Cc:** Walt Wrede  
**Subject:** New Ordinance for March 11

Hi Tom,  
Included is a new ordinance for March 11<sup>th</sup> for the Permanent Fund. I have included the synopsis of the PFC that outlines the amendments. Please review and critique as needed.

Thank you,

*Jo Johnson*

City Clerk  
City of Homer  
491 E. Pioneer Ave.  
Homer, AK 99603  
907-235-3130 Fax 907-235-3143

***PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.***

**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-10**

An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting April 8, 2013 Introduction
  - a. Memorandum 13-047 from Public Works Director as backup
2. City Council Regular Meeting April 22, 2013 Public Hearing and Second Reading
  - a. Ordinance 13-10(S)
  - b. Memorandum 13-047 from Public Works Director as backup



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager/Public  
4 Works Director

5 **ORDINANCE 13-10**  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
8 ALASKA, AMENDING THE 2013 OPERATING BUDGET BY  
9 APPROPRIATING UP TO \$45,000 FROM THE WATER  
10 RESERVE FUND FOR THE DEMOLITION OF THE  
11 REDWOOD TANK AT THE WATER TREATMENT PLANT.  
12

13 WHEREAS, The 500,000 gallon redwood tank was the first tank built on the water  
14 distribution system in 1975 and is almost 40 years old; and  
15

16 WHEREAS, Since that time additional tanks have been constructed totaling an additional  
17 1,250,000 gallons; and  
18

19 WHEREAS, The redwood tank is becoming more difficult to maintain, and because of the  
20 nature of wood construction, it is suspected to be a source of potential water quality concerns;  
21 and  
22

23 WHEREAS, An EPA grant is being utilized to develop bid documents for the demolition  
24 of the tank and the demolition project is expected to be ready for bidding early this summer.  
25

26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
27

28 Section 1. The FY 2013 Operating Budget is hereby amended by appropriating not more  
29 than \$45,000 from the Water Reserve fund for the demolition of the water treatment plant.  
30

31 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256-378 (Water Reserve Fund)	WTP Redwood Tank Demolition	\$45,000

32  
33  
34  
35  
36

37 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall  
38 not be codified.  
39

40 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of  
41 \_\_\_\_\_, 2013.  
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CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHER, 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: \_\_\_\_\_



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager/Public  
4 Works Director

5 **ORDINANCE 13-10(S)**  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
8 ALASKA, AMENDING THE 2013 OPERATING BUDGET BY  
9 APPROPRIATING UP TO \$45,000 FROM THE WATER  
10 RESERVE FUND FOR THE DEMOLITION OF THE  
11 REDWOOD TANK AT THE WATER TREATMENT PLANT.  
12

13 WHEREAS, The 500,000 gallon redwood tank was the first tank built on the water  
14 distribution system in 1975 and is almost 40 years old; and  
15

16 WHEREAS, Since that time additional tanks have been constructed totaling an additional  
17 1,250,000 gallons; and  
18

19 WHEREAS, The redwood tank is becoming more difficult to maintain, and because of the  
20 nature of wood construction, it is suspected to be a source of potential water quality concerns;  
21 and  
22

23 WHEREAS, An EPA grant is being utilized to develop bid documents for the demolition  
24 of the tank and the demolition project is expected to be ready for bidding early this summer.  
25

26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
27

28 Section 1. The FY 2013 Operating Budget is hereby amended by appropriating not more  
29 than \$45,000 from the Water Reserve fund for the demolition of the **redwood tank at the** water  
30 treatment plant.  
31

32 Expenditure:  
33

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256-378 (Water Reserve Fund)	WTP Redwood Tank Demolition	\$45,000

34  
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42 \_\_\_\_\_, 2013.  
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CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt E. Wrede, City Manager

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 13-047

TO: Walt Wrede, City Manager

FROM: Carey Meyer, Public Works Director

DATE: April 3, 2013

RE: **Water Treatment Plant Redwood Tank Removal  
Demolition Funding Authorization**

---

The redwood tank at the water treatment plant was built in 1974. It was built at the same time the old water treatment plant was built. The redwood tank is leaking, requires substantial maintenance, and may be creating water quality concerns due to the woods potential for harboring organic sediments.

Additional storage tanks have been built at the water treatment plant site (a 250,000 gallon tank and a 1.0 million gallon tank). The loss of the storage capacity provided by the redwood tank will not adversely impact the City's ability to deliver water to its customers. Elimination of this tank will reduce the potential for the creation of disinfection byproducts by decreasing storage volume and chlorine contact time before water is delivered to the distribution system.

The City Council approved the acceptance of an EPA grant, a portion of which is being used to prepare demolition bid documents. The grant is for design efforts only. The demolition project is expected to be ready for bidding early this summer.

**Recommendations:** The City Council pass an ordinance amending the 2013 operating budget authorizing the funding of demolition of the redwood tank demolition using Water Reserve Fund monies.



**MANAGER'S REPORT**  
**April 22, 2013**

**TO:** MAYOR WYTHER / HOMER CITY COUNCIL

**FROM:** WALT WREDE

UPDATES / FOLLOW-UP

1. Lillian Walli Special Assessment District: At the meeting, we will provide you with an update on the status of this project and discuss a strategy for bringing the anticipated costs down.
2. Strategic Planning and Mission Statement: Attached is a discussion paper on this topic which I hope to spend some time on during the verbal report.
3. Cruise Ship Grant Projects and Spit Trail: Quite a bit is happening here and we will provide a verbal update.
4. Enstar: Work is proceeding on the distribution system. We have had several meetings with the contractor so far and Public Works is coordinating closely regarding pipe location in the ROW.

**ATTACHMENTS**

1. Enstar Letter to Property Owners re: Cultural Resources
2. Change Order: Paving Project
3. Discussion Paper: Memorandum 13-057 - Strategic Planning and Mission Statement

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ENSTAR Natural Gas Company  
P.O. Box 190288  
Anchorage, AK 99519-0288  
(907) 277-5551

April 2, 2013

HOMER CITY OF  
491 E PIONEER AVE  
HOMER, AK 99603

Borough Tax ID: 17719209

Dear Sir or Madam,

As you may know, ENSTAR Natural Gas Company (ENSTAR) is constructing a natural gas distribution system within the City of Homer and Kachemak City during the 2013 - 2014 spring, summer, and fall construction seasons.

In order to accomplish our proposed construction and related permitting activities, ENSTAR's contractor Stephen R. Braund & Associates (SRB&A) will be performing various cultural resource survey tasks in preparation of the approaching construction in the vicinity of your property. These tasks may include, hand digging small test holes to search for archaeological sites, documenting archaeological sites and historic structures, and talking with interested residents who are knowledgeable in the history of the area.

SRB&A encourages residents with historical information to contact them when on site performing these survey tasks, or by phone at (907) 276-8222.

SRB&A shall be working within existing public road rights-of-ways, public use easements, and utility easements situated on or adjacent to your property. ENSTAR and its contractors will not enter your property unless upon a valid public right of way or easement.

If you have any questions or concerns please feel free to contact me at (907) 334-7753 or at [andrew.fraiser@enstarnaturalgas.com](mailto:andrew.fraiser@enstarnaturalgas.com).

Régards,

A handwritten signature in black ink that reads "Andrew Fraiser".

Andrew Fraiser  
Right-of-Way Agent  
ENSTAR Natural Gas Company

Property Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O SVEDLUND SUB AMD LOT 7 TRACT B & PTN OF TR B AS FOLLOWS: BEG @SE CORNER OF LOT 7 TH N0 DEG 2'W 545 FT TO S ROW OF STERLING HWY, CORNER 2; TH N75 DEG 15'E ALONG ROW 62.6 FT TO CORNER 3; TH S0 DEG





**CONTRACT MODIFICATION**  
**(Change Order)**

Contract Modification No. 1

Date: 8-Apr-13

OWNER: City of Homer

P.O. No. 6322

PROJECT NAME: 2012 PAVING PROJECT

Project No. 160-766

CONTRACTOR: Alaska Road Builders Inc.  
44482 Frontier Ave.  
Soldotna, AK 99669

**THE FOLLOWING MODIFICATIONS TO THE CONTRACT ARE HEREBY ORDERED:**

1. Fish Dock Road grind and repave existing 700' x 24' AC  
not to exceed \$49,794.00
2. W. Soundview Ave repair subgrade failure area, grind and  
repave 300' x 24' AC not to exceed \$91,090.00
3. Lake St / Ocean Drive Loop Intersection: grade/shape existing road,  
provide 2" base course and 2" AC. Not to exceed: \$24,785.00

CONTRACT AMOUNT	CONTRACT TIME (CALANDAR DAYS)
Original Amount: <u>\$ 549,116.00</u>	Original Duration _____ Days
PREVIOUS Change Orders: <u>0</u>	PREVIOUS Change Orders: _____
(Add / Deduct) <u>\$ 165,669.00</u>	(Add / Deduct) _____ Days
THIS Change Order:	THIS Change Order:
(Add / Deduct) <u>\$ -</u>	(Add / Deduct) <u>30</u> Days
REVISED Contract Amount: <u>\$ 714,785.00</u>	REVISED Contract Time: _____ Days
Approved Budget: <u>\$ 900,000.00</u>	

Revised Contract Completion Date is 30-Jun-13

<b>PUBLIC WORKS DIRECTOR</b>	<b>CONTRACTOR</b>	<b>ENGINEER / INSPECTOR</b>
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By: <u>Carey Meyer</u> Carey S. Meyer, P.E.	By: _____	By: <u>James E. Fisher</u>
--	-----------	----------------------------

Date: <u>4/9/13</u>	Date: _____	Date: <u>04/09/13</u>
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<u>Walter Schuch</u> City Manager	<u>04/9/13</u> Date
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## **MEMORANDUM 13-057**

**TO:** Mayor Wythe and Homer City Council

**FROM:** Walt Wrede

**DATE:** April 17, 2013

**SUBJECT:** Strategic Planning

### Introduction

Mayor Wythe and I have had several discussions over the past few weeks about the need for the City to be more strategic and focused regarding how it goes about setting its priorities and establishing its Budget and Capital Improvement Program. She has alluded to that several times during recent meetings; most recently when we returned from Juneau and she commented about changing how the CIP List is developed and presented. In addition to that, staff members in the City Manager's office have been discussing internally how beneficial it would be if the City adopted a mission statement that clearly defined its mission and core responsibilities. The benefits of strategic planning and developing a mission statement are complimentary and it makes sense to discuss them at the same time.

The purpose of this discussion paper is to stimulate Council discussion about strategic planning and the City's core functions. This paper also included a rough, suggested action plan for achieving these goals. The action plan does not contain target or deliverable dates because the Council already has a lot on its plate and summer is fast approaching; a time when many of us will not want to be sitting in meetings. The idea is simply to generate Council discussion about the basic concept. If Council wants to move forward, a detailed plan can be developed and approved at subsequent meetings.

### Problem Statement

The City of Homer has many adopted plans which all contain goals, objectives, and action items. They all require significant time, funding, and resource commitments if success is to be achieved. These plans include the Comprehensive Plan, Spit Comprehensive Plan, Climate Action Plan, Transportation Plan, Non-Motorized Transportation Plan, Town Center Plan, Comprehensive Economic Development Strategy, Water and Sewer Master Plan, Land Allocation Plan, and Capital Improvement Plan. All of these plans are important components of the City's overall "master plan" and they contain goals and objectives that reflect Council and community priorities.

Ideally, these plans should be implemented together in a coordinated and comprehensive manner. It would be beneficial to establish priorities in a holistic manner keeping all of the adopted plans in mind. We (both the staff and the Council) work hard to achieve the goals in these plans but we don't do it in a prioritized way. We tend to focus on the goals that are easily achievable or have political momentum behind them, and we do so as time, opportunity, and budget permits. We need to establish a hierarchy of priorities, and a plan to implement the plans, so to speak. Strategic planning and developing a tight mission statement can help immensely. If this is done correctly, the City budget and

its CIP List should truly reflect Council and community priorities and help to keep us all focused on those priorities.

### Benefits of Strategic Planning and a Mission statement

There are a wide variety of benefits associated with strategic planning and developing a mission statement. They include, but are not limited to:

- Budget Documents and the CIP List should reflect the City's core mission and its identified priorities
- The staff will have a clear message about Council priorities and can be more focused and efficient.
- Prevention of mission creep. The City is constantly asked to take on more and more programs and responsibilities. Clearly identifying the core mission and priorities will slow mission creep and unintended budget growth.
- Increased productivity, efficiency, and quality of service. It is often better to do a few things well than a bunch of things in mediocre fashion.
- Strategic planning and a mission statement will make it easier to respond to anticipated budget shortfalls in future years.

### Suggested Action Plan

Step 1: Data and Information Collection. This step includes deliverables from the staff.

Draft Mission Statement .	City Manager's Office
Report on All Capital Projects Current and Pending	Public Works
Review of All Plans Including Goals Achieved, and Goals to be Accomplished; a Report to Council	Planning

Step 2: A workshop or workshops for presentation of deliverables and discussion

Step 3. Solicit input from Boards and Commissions re: City priorities and mission statement

Step 4: Town Hall Style Open House: Public input on core mission and priorities.

Step: 5: Strategic Planning Sessions. All day for several days. Could be facilitated by staff or a paid consultant.

Step 6: Draft Mission statement and Strategic Plan for public review. Hold Hearings.

Step 7. Approval.

# 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 WYTHE AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK  
DATE: APRIL 12, 2013  
SUBJECT: BID REPORT

**RFP Incorporating Art on the Homer Spit Trail Project, Phase II on the Homer Spit- 1%for Art Project** Proposals to incorporate art into three (3) sections of the Homer Spit Trail Project, Phase II on the Homer Spit, will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until Thursday, May 9, 2013 at 4:00 p.m. As there will be three separate areas, artists are encouraged to submit one or more concepts or proposals for each area so as to ensure artwork will be incorporated into all areas.

**Homer Restroom Facilities Improvements** Sealed bids for the construction of the Homer Restroom Facilities Improvements project will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 PM, Thursday, May 9, 2013, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. Bidders are required to be on the plan holder's list to be considered responsive. To be on the Bidder's List (and to obtain bid documents) contact: City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, (907) 235-3130.

**RFP for Port and Harbor Rate Study and Economic Analysis for the Deep Water Dock** City of Homer's Port and Harbor is requesting proposals from qualified firms to enter into a contract to conduct a study on the Port and Harbor rate fee structure, and the economic impact of mooring a MODU (mobile offshore drilling unit) at the Port of Homer's Deep Water Dock. Sealed Proposals will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 no later than 4:30 pm, May 2, 2013. The City's goals for this study are (1) to determine a sustainable, equitable rate structure based on the existing facility infrastructure and services for its Port and Harbor; and (2) to complete an Economic Benefit Analysis on the recent Port and Harbor visit from Buccaneer Alaska's jack-up drill rig Endeavor Spirit of Independence.