



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Agenda Changes/Supplemental Packet

TO: MAYOR LORD AND CITY COUNCIL
FROM: RENEE KRAUSE, MMC, CITY CLERK
DATE: JANUARY 27, 2025
SUBJECT: SUPPLEMENTAL

REGULAR MEETING AGENDA

CONSENT AGENDA

- e. Resolution 25-006, A Resolution of the City Council of Homer, Alaska, Approving a Lease Assignment from Eagle Eye Charters, LLC DBA Bob's Trophy Charters to The Dragging Anchor, LLC; Approving Amendments to the Assigned Lease Under Sections 2.02 Quiet Enjoyment, 6.01 Use of Property, 6.02 Required Improvements, and 14.04 Addresses for Notices, Authorizing the City Manager to Negotiate and Execute the Appropriate Documents for the Assignment, Amendment and Extension of the Current Twenty Year Lease to a Full Twenty Year Lease with Options for Two Consecutive Five Year Renewals at an Initial Annual Base Rent of \$7,984.34 for Tract 1-B, Fishing Hole Subdivision No. 2.

Memorandum CC-25-037 from Deputy City Clerk as backup.

page 3

- f. Resolution 25-007, A Resolution of the City Council of Homer, Alaska, Stating the City's intention to Formally Partner with the State of Alaska Department of Transportation and Public Facilities in Local Sponsorship of a US Army Corps of Engineers General Investigation to Address Homer Spit Coastal Erosion and Requesting the State of Alaska to Appropriate \$1,200,000 in the State FY2026 Capital Budget as the State's Share of the Local Sponsor Match Requirement of \$1.5 Million. Mayor.

Corrected Resolution 25-007 fixing typographical error on Line 95 (Missing zero) **page 5**

PUBLIC HEARINGS

- a. Ordinance 25-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.10.030 Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to General Commercial 1 (GC1) Zoning District. Planning Commission.

Public Comment Received.

page 8

- b. Ordinance 25-02, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Appropriating \$135,000 for the Purchase of Twenty Acres located North of Karen Hornaday Hillside Park with the Intent to Designate and Hold the Land as Public Park Land. Aderhold/Erickson/Hansen.

Corrected Financial Supplement identifying Land

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ORDINANCE(S)

- a. Ordinance 25-08, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning. Erickson.

Memorandum CC-25-036 from Councilmember Erickson as backup.

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NEW BUSINESS

- b. Memorandum CC-25-028 from City Clerk re: Vacation of a Portion of B Street Right of Way and Associated Utility Easements South of Bay Avenue granted by Bay View Subdivision Plat HM839

Public Comment Received – *Please refer to Public Comment Packet under Ordinance 25-01 pages 8-50*



MEMORANDUM

Resolution 25-006, A Resolution of the City Council of Homer, Alaska, Approving a Lease Assignment from Eagle Eye Charters, LLC DBA Bob's Trophy Charters to The Dragging Anchor, LLC; Approving Amendments to the Assigned Lease Under Sections 2.02 Quiet Enjoyment, 6.01 Use of Property, 6.02 Required Improvements, and 14.04 Addresses for Notices, Authorizing the City Manager to Negotiate and Execute the Appropriate Documents for the Assignment, Amendment and Extension of the Current Twenty Year Lease to a Full Twenty Year Lease with Options for Two Consecutive Five Year Renewals at an Initial Annual Base Rent of \$7,984.34 for Tract 1-B, Fishing Hole Subdivision No. 2.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and City Council
Date: January 27, 2025
From: Zach Pettit, Deputy City Clerk I
Through: Melissa Jacobsen, City Manager

Please find attached the excerpt of the Port & Harbor Advisory Commission motion supporting the Lease Assignment to The Dragging Anchor, LLC.

7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- 7.A. Port & Harbor FY25 YTD
- 7.B. Port & Harbor Staff Report – January 2025
- 7.C. Homer Marine Trades Association (HMTA) Report

8. PUBLIC HEARING(S)

9. PENDING BUSINESS

10. NEW BUSINESS

- 10.A. City Manager Response to Motion from Port & Harbor Advisory Commission re: Petro 49 Memorandum PHC-25-001 from Port Administrative Supervisor as backup
Memorandum PHC-25-002 from City Manager as backup
- 10.B. Port & Harbor Advisory Commission Strategic Plan Revisions
Memorandum PHC-25-003 from Port Administrative Supervisor as backup

The Commission reviewed its current Strategic Plan, suggesting edits throughout the document. Port Administrative Supervisor Woodruff noted the suggested revisions, adding that she would bring an amended version back for the Commission’s review at the next meeting.

- 10.C. Draft Lease Agreement for Dragging Anchor, LLC
City of Homer Lease Application – Proposal Review & Staff Recommendations
2025 Schematic of Planned Use
Public Comment Received

Chair Siekaniec introduced the item by reading of the title and deferred to Port Administrative Supervisor Woodruff, who summarized the leasing process and amendments made to the draft lease agreement.

SHAVELSON/ZEISET MOVED TO RECOMMEND APPROVAL OF THE SECOND LEASE ASSIGNMENT AND SECOND AMENDMENT FOR DRAGGING ANCHOR, LLC.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

11. INFORMATIONAL MATERIALS

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 25-007

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA STATING THE CITY'S INTENTION TO FORMALLY PARTNER WITH THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES IN LOCAL SPONSORSHIP OF A US ARMY CORPS OF ENGINEERS GENERAL INVESTIGATION TO ADDRESS HOMER SPIT COASTAL EROSION AND REQUESTING THE STATE OF ALASKA TO APPROPRIATE \$1,200,000 IN THE STATE FY2026 CAPITAL BUDGET AS THE STATE'S SHARE OF THE LOCAL SPONSOR MATCH REQUIREMENT OF \$1.5 MILLION.

WHEREAS, The Homer Spit is a 4.5-mile-long remnant glacial spit extending into Kachemak Bay that supports critical multimodal transportation infrastructure including Alaska Route 1, part of Alaska's multimodal freight network, the Alaska State Ferry System and US Marine Highways M-5 and M-11 through the Homer Port and Harbor facility, and the State-owned and operated Homer Airport; and

WHEREAS, The Homer Spit and the Homer Spit Road is a critical infrastructure corridor supporting the Homer Port and Harbor, State and Federal assets and the regional economy through essential recreational, commercial, industrial and residential activities, including cargo transportation for communities throughout southcentral and western Alaska; and

WHEREAS, The Homer Spit Road provides access to critical State and Federal infrastructure, including utilities and communications connections, fuel storage and US Coast Guard assets; and

WHEREAS, The Homer Spit is the region's commerce and transportation hub, and an economic anchor supporting essential recreational, commercial, industrial and residential activities, including:

- essential cargo deliveries to over 130 non-road connected communities and remote work sites throughout southcentral and Western Alaska;
- fishing vessels from nearly every fishery in the State;
- a vital marine trades service sector;
- a state, national and internationally acclaimed sport fishing, recreational and tourism destination; and
- food security through cargo deliveries, pilot services for freight headed to the Don Young Port of Alaska and access to subsistence and personal use fisheries; and

WHEREAS, The west side of the Homer Spit has been subject to severe coastal erosion, which threatens the State-owned and maintained Homer Spit Road, the southern terminus of the Sterling Highway; and

WHEREAS, Previous erosion mitigation efforts included the State of Alaska Department of Transportation and Public Facilities joining with the United States Army Corps of Engineers (USACE) and the City of Homer to complete a General Investigation which led to the installation of 1,000 feet of rock revetment in 1992 and a subsequent 3,700 foot extension in 1998 to protect the Sterling Highway from erosive forces; and

WHEREAS, In the twenty years since, stronger more frequent storm surge events coupled with the absence of USACE-General-Investigation-recommended periodic beach nourishment accelerated beach lowering adjacent to and further south of the rock revetments at an alarming rate; and

WHEREAS, In that time, the Alaska Department of Transportation and Public Facilities was required to armor the Sterling Highway south of the USACE revetment in two different emergency revetment projects to further protect the Sterling Highway from erosion damage; and

WHEREAS, Annual storm surge events continue to erode significant amounts of State right-of-way, city land, utilities, commercial properties and undermining the existing rock revetment and road bed, and periodically overtop the Sterling Highway; and

WHEREAS, A November 16, 2024 ocean swell from a high tide storm surge event overtopped the Sterling Highway, scoured the base of a section of the rock revetment and collapsed one lane of the highway, spurring local and state disaster emergency declarations and emergency road repairs costing millions of dollars; and

WHEREAS, Given the repetitiveness of expensive emergency revetment and road repairs, the valuable resources already lost to erosion, the considerable Federal, State and regional infrastructure still at-risk, and the State and regional economic importance of the Homer Spit, there is the urgent need for a comprehensive, multi-agency mitigation and stabilization plan for long-term Homer Spit resiliency; and

WHEREAS, Federal involvement in erosion mitigation planning brings valuable expertise and federal resources to assist with the construction and long-term maintenance phases of erosion mitigation; and

WHEREAS, Federal involvement requires a USACE General Investigation; and

84 WHEREAS, The Alaska District of the USACE has requested Federal Funds for the Homer
85 Spit Revetment General Investigation in its annual budget for many years, but needs local
86 sponsors to leverage Federal funding for the new start General Investigation.

87
88 NOW, THEREFORE BE IT RESOLVED, The City of Homer, in recognition of the value of the
89 Homer Spit to the local economy, transportation and quality of life, intends to formally partner
90 with the State of Alaska and potential other affected stakeholders in the \$1.5M local sponsor
91 match requirement for entering into a Federal Cost Share Agreement with the USACE for a
92 General Investigation; and

93
94 BE IT FURTHER RESOLVED, The City of Homer urges the Alaska State Legislature to
95 partner with the City of Homer as a local sponsor by appropriating \$1,200,000 in the State's
96 FY26 Capital Budget toward the local sponsor match requirement for a USACE General
97 Investigation study of Homer Spit erosion mitigation.

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99 CITY OF HOMER

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103 _____
104 RACHEL LORD, MAYOR

105 ATTEST:

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107 _____
108 RENEE KRAUSE, MMC, CITY CLERK
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TO: Homer City Council and Mayor Rachel Lord

FROM: Lani Raymond

DATE: 1-22-25

Thank you for your time considering this important issue.

I believe the City needs to secure public access guarantees to the Lighthouse Viewing area before giving the Right-of-Way parcel to DOYON because of the following:

***Historical and traditional use** of the Lighthouse Viewing Planform for decades has been public access to view birds in the important lagoon area. Use of this area for Kachemak Bay Shorebird Festival activities and the Kachemak Bay Birders' ongoing Shorebird Monitoring are also significant.

***Cultural values** of the Homer community encourage public land use for residents and tourists: birding and wildlife viewing, scenic enjoyment, recreation space, etc.

***The City owns this property** and could keep it to develop a park with trails, picnic area, wildlife/birding access to Mariner Lagoon.

***Overall dollar value** to the City, which includes the world-wide importance of birding in the Homer Area, is huge. (Has anyone ever calculated the actual amount of money that birders bring to Homer?) Loss of access to the Lighthouse Viewing area for our residents and visitors would impact what Homer has to offer people interested in birds, and thus decrease income for businesses and the City itself.

In conclusion, the City is being asked to give away a very valuable piece of property. This is OWNED by the City! We are being asked to give it away, with minimal strings attached to a corporation. No firm, legal assurance that: the public will always be allowed access to get to the viewing area, that the viewing area would always be open to the public, and that such an agreement would continue to be in effect if this property were to change hands (one or more times) in the future. This is not acceptable; the property is too valuable—as a wildlife viewing resource and as a means for the City to continue tourists/birders' dollars coming into the community.

I encourage the City Council to require legally iron-clad access and usage requirements guaranteed before transferring this Right-of-Way to DOYON.

Thank you.

Lani Raymond,
Birder

From: [Michael Armstrong](#)
To: [Department Clerk](#)
Subject: Revised letter on Doyon right-of-way vacation and lot rezone
Date: Thursday, January 23, 2025 12:19:33 PM
Attachments: [Armstrong revised council B Street ROW vacation application.doc](#)
[ATT00001.htm](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Rene:

I missed a key point about the Doyon project in my previous letter. Please pull that letter and use this one.

Best,

Michael

From: [Rika Mouw](#)
To: [Department Clerk](#)
Subject: Lot 163 (Ordinance 25-01) and Right-of-Way vacation
Date: Thursday, January 23, 2025 11:09:32 AM

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Dear Council members,

I write to you with great concern about 2 items that will come before you Monday, January 27th, regarding the Doyon Limited project proposal. One is the re-zoning of a currently rural residential lot to GC1 zoning. The other is the vacation of the B Street extension road right of way that currently serves as a much appreciated spruce forest and vegetated slope that offers privacy for a neighborhood, privacy for migrating, feeding and nesting birds below in the wetlands. It also plays an important role in slope stabilization along a coastline that is vulnerable to erosion by soil disturbance and vegetation removal.

The very regrettable situation these 2 questions are being considered by the council, separately and each individually but very much tied in order for a project proposal, that is out of scale for that location and requiring too many special conditions, zoning changes and additional land belonging to the municipality. The project does not fit, nor will its location add a benefit to Homer due to the very nature of it being squeezed into a site that will bottleneck traffic, encroach on municipal land, block an incredible view shed and have a negative impact on wildlife habitat.

Rezone of parcel 163. If the applicants propose to place a 20' lane for non-motorized access to a bird viewing platform on Doyon property, and additionally proposing a 30' vegetative buffer as shown on their proposed plan, the question is why would a rezone be necessary if it is not proposed for built structures or commercial use? It is reasonable to think that a rezone is not necessary and is an additional layer of assurance that it will not be developed for any thing other than what shows on their proposed plans.

Contrary to the planning staff's recommendations, this project goes against the very spirit of the comprehensive plan and is facing almost unanimous neighborhood and a lot of public opposition. This project would be an asset to the community if it were located in the central business district where it could actually infill and add vitality to the existing downtown businesses, as well as other facilities the city has to offer like the library, the refuge visitor center, Pratt Museum and pedestrian trails. Users of a conference facility, hotel accommodations, restaurant and even employee housing would bring more vitality to the downtown core. The city actually owns parcels in the downtown core and adjacent to the city owned parcels is a large parcel that once was proposed for a Town Square idea a few years ago. There could be a partnership in which the City and Doyon could envision a true community center right in the core.

Each of you truly cares about Homer. Each of you wants the very best for our community. Each of you, along with all of us, have the desire and power to shape this community into a people centered vitality. There are so many people, who have dedicated their time extensively in participating in the Comprehensive Plan. The time, energy and financial investment in this plan offers us the tools and guidance we are asking for. Following the spirit of the Comprehensive Plan critical. It is what the residents are calling for.

Let us not get mired in separating issues around the Doyon Limited project in the very compromised location they propose to develop a project that really deters the Comprehensive

Plan goals.

If the project were really a seamless fit in the current location they are pushing for, the opposition to it and the complexities presented would not be the controversial issues that they are. The City Council is ultimately where we expect the most careful understanding of Homer's healthy future and well being.

Doyon's application is filled with language that falls short and is contrary to the reality of the project at this location.

Anchored within the Land Use chapter of the project,

the development seamlessly aligns with the overarching vision of the city, particularly the outlined goals of increasing housing supply and diversity (Goal 1) and maintaining the pristine quality of Homer's natural environment (Goal 2).

The Land Use chapter specifically advocates for zoning concepts that encourage a variety of housing options, reflecting income and lifestyle diversity in Homer. Doyon, Limited's proposal aligns with this objective by presenting a mixed-use development that caters to diverse needs while respecting the natural landscape.Furthermore, the proposal dovetails with the plan's vision for an integrated system of green spaces,

providing aesthetic and functional benefits to the community. By protecting corridors for trails, managing stormwater, preserving wildlife habitat, and maintaining viewsheds, the development becomes a housing solution and a contributor to the city's ecological well-being.

There is no employee housing and in fact, there is no housing solution at all. There is no maintaining of viewshed, nor a respect or contribution to the City's ecological well being. There is no maintaining of the 'pristine' quality of Homer's natural environment. 'Housing' with the condos proposed, is not consistent with the meaning of the purpose of housing. What they truly would be are premium priced short term rentals.

Staff comments are not reflective of the spirit of the comp plan and are simply loosely used points within it that do not reflect the *intention* of the comp plan. In fact the planning staff comments are in contraction to the intention of the comp plan.

ROW vacation of B St extension.

Municipal land is precious and should not be given up unless there is a *significant* benefit.

In the case of this particular request by Doyon Limited, the public interest is not served simply by allowing for a 20' pedestrian easement to a bird viewing platform and a 30' buffer from Bay Ave. Public access from the Spit Road is not assured and is the primary access point to bird viewing. It is the over arching project as proposed, that impacts that go far beyond a road easement vacation. This is about an over scaled project to be located in an already very trafficked intersection adjacent to very sensitive and enormously important bird habitat. This project is not suited for this location and would be much more integrated and welcomed in the center of Homer's central business district. Let's build on the spirt of comprehensive plan we are investing our time and energy on.

Homer is best served by a project development being limited to the boundaries of the 2 parcels on 1563 and 1663 Homer Spit road.

Thank you for the work you do, the commitment and great amount of time you give to this care you give. I appreciate your efforts greatly.

Sincerely,

Rika Mouw

Homer City resident

From: [sharon.whyte](#)
To: [Department Clerk](#); [Jason Davis](#); [Caroline Venuti](#); [Shelly Erickson](#); [Bradley Parsons](#); [Storm Hansen](#); [Donna Aderhold](#); [Rachel Lord](#)
Subject: Homer needs a fair arrangement with Doyon
Date: Thursday, January 23, 2025 1:38:53 PM

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Dear Mayor and City Council members:

Thank you for all the amazing work you do for our wonderful community. I appreciate all your efforts and your thoughtful consideration for positive evolution in our community.

At your next meeting on Jan. 27, I am respectfully requesting that you consider fairness to our city before giving away land to a private corporation: I support the vacation of B-Street Right of Way and a Rezone of Lot 163 Bayview Subdivision **ONLY** under the following conditions:

1) Provide a revised plat showing a 20-ft Pedestrian Access Easement from both B Street and the Spit Road to the viewing platform. Only through a formal public easement can public access be assured, providing the necessary guarantee of “equal or superior access” required in KPB 20.70.180. An unsecured public access is an unacceptable trade for our public right of way.

According to Shorebird Festival managers, approximately 100 birders have historically accessed the “Lighthouse Village” viewing platform at any given time during the festival, with 50 to 200 visitors generally coming each day, and this historic access must be secured.

2) Provide a revised plat showing a 30' conservation easement protecting the existing woods in the B Street Right of Way. Doyon has said that they want to protect Rural Residential neighbors from the noise, lights, etc. of the hotel via a 30' vegetative buffer: a conservation easement on the title is needed to legitimize that guarantee and protect this forested area.

The value of the 50 foot wide, 750 foot long piece of City land being asked for by the applicants is some of the most high-value land in Homer: wooded, waterfront property with killer views of shorebird habitat and Kachemak Bay. It is worth a lot, and asking for a guarantee that some land will be conserved (as has been promised) is fair and proper.

3) A binding plan to ensure the protection of migratory birds and their habitat. Approval of the rezone and ROW vacation would allow a large hotel/condo complex to be built in an area that is a cornerstone of Homer culture and economy. The site overlooks Mariner Park Lagoon, which is designated as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of International Importance, which means that at least 100,000 shorebirds annually return here.

To qualify for a WHSRN designation, the City of Homer—who owns the Lagoon—agreed to:

- make shorebird conservation a priority
- protect and manage shorebird habitat

Therefore, the City should require protection of shorebirds and their habitat in Mariner Park Lagoon. As a condition of the vacation of the ROW and the Rezone of the lot, developers

should have to work with local US Fish and Wildlife Service, Friends of Alaska National Wildlife Refuges (the local sponsors of the Kachemak Bay Shorebird Festival), as well as the Kachemak Bay Birders (supporters of the WHSRN) to come up with appropriate and binding measures to protect migratory birds and their sensitive habitat. This could be implemented, for example, through a title restriction placed on the land the City gives to Doyon.

Issues that need to be addressed include:

- Disruption of nesting birds and migratory shorebirds during their spring and fall migrations as a consequence of increased activity at the hotel and condos.
- Mitigation of impacts of condo-dwellers and their dogs to nesting and migratory birds.
- Mitigation of disruptive aspects of construction (like pile driving).
- A higher standard of stormwater management in this highly sensitive area.
- Mitigation of window strikes, light and noise pollution.

4) The new viewing platform should be at least equivalent in size to the old platform.

The Kachemak Bay Shorebird Festival has used this platform during the festival for bird surveys and viewing programs for the public. It was also used by the general public year round. Since so much of Homer tourism depends on having good access to bird and other wildlife viewing, it is important to restore this much used facility and make sure there are agreements on its maintenance and public use into the future. As with all other conditions, this commitment must be secured through title restriction.

We live in a democracy, and these are fair and legit asks; Doyon should be amenable to them. Please stand up for fair and responsible growth in Homer at your Jan. 27 meeting and keep me posted on the outcome.

**Respectfully,
Sharon Whytal
2115 Bayridge Road (in city limits)
po box 1529
Homer, AK
235-2094**

From: [Frank Griswold](#)
To: [Renee Krause](#)
Cc: [Melissa Jacobsen](#)
Subject: Proposed Ordinances 25-01 (Doyon) and 25XX (Berryman)
Date: Thursday, January 23, 2025 6:25:57 PM

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Dear Mayor and Council,

"Small parcel zoning designed merely to benefit one owner constitutes unwarranted discrimination and arbitrary decision-making, unless the ordinance amendment is designed to achieve the statutory objectives of the City's own zoning scheme . . . Otherwise, the City would be forced to discriminate arbitrarily among landowners seeking relaxed restrictions or to abandon the concept of planned zoning altogether." *Griswold v. City of Homer*, 925 P.2d 1015, 1024. Since 1983, the City of Homer has spent hundreds of thousands of taxpayer dollars creating and updating the Homer Comprehensive Plan and hiring inept city planners who have no interest in following it or fairly enforcing the City's zoning elaborate zoning code. It is difficult to imagine how Homer's development over the past four decades would have been any different than if zoning had never been instituted here in the first place. Public interests have consistently taken a back seat to private business interests, including those of a Main Street car dealer, a Sterling Highway car wash owner, an aspiring dance instructor, and multiple hotel owners. Maintaining an expensive bureaucracy that serves no tangible public purposes is an obscene waste of taxpayer money. The Council should consider abandoning the concept of planned zoning altogether as suggested in 1996 by the Alaska Supreme Court.

Frank Griswold

1/23/25

Re: proposed Ordinance 25-01

Dear Mayor and Council,

Despite the fact that the 1.35 acre subject lot (currently zoned RR) lies contiguous to other lots zoned GC!, proposed Ordinance 25-01 constitutes illegal spot zoning because there is no community-wide need for it. According to the Alaska Supreme Court, “spot zoning is simply the legal term of art for a zoning decision which affects a small parcel of land and which is found to be an arbitrary exercise of legislative power.” *Griswold v. City of Homer*, 925 P.2d 1015 at 1020 (citing *Concerned Citizens of S. Kenai Peninsula*, 527 P.2d at 452 (“[T]he constitutional guarantee of substantive due process assures only that a legislative body’s decision is not arbitrary but instead based on some rational policy.”))

The most important factor in determining whether a small-parcel zoning amendment will be upheld is whether the amendment provides a benefit to the public, rather than primarily a benefit to a private owner. See Robert M. Anderson, *American Law of Zoning* § § 5.13-5.14; Edward H. Zeigler Jr., *Rathkoph’s The Law of Zoning and Planning* § § 28.03, 28.04, at 28-19 (calling an amendment intended only to benefit the owner of the rezoned tract the “classic

case” of spot zoning). Courts generally do not assume that a zoning amendment is primarily for the benefit of a landowner merely because the amendment was adopted at the request of the landowner. Anderson, *supra*, § 5.13, at 368. However, interests such as the preservation of neighborhood character, traffic safety, and aesthetics are legitimate concerns. See *Barber v. Municipality of Anchorage*, 776 P.2d 1035, 1037 (holding the government’s interest in aesthetics is substantial and should be accorded respect).

The size of the area reclassified has been called “more significant [than all other factors] in determining the presence of spot zoning.” Anderson, *supra*, § 5.15, at 378. The rationale for that statement is that “[i]t is inherently difficult to relate a reclassification of a single lot to the comprehensive plan; it is less troublesome to demonstrate that a change which affects a larger area is in accordance with a plan to control development for the benefit of all.” *Id.* at 379. Anderson notes that reclassifications of parcels under three acres are nearly always found invalid, while reclassifications of parcels over thirty acres are nearly always found valid. The Alaska Supreme Court has held that the relative size of a proposed rezone must be considered. No matter what it is compared to, 1.35 acres is very small and its reclassification cannot realistically fulfill any legitimate goals or objectives of the Comprehensive Plan. In *Griswold v. City of Homer*, 925 P.2d 1015 at 1023, n.9, the Alaska Supreme Court stated:

“Not all of the goals articulated by the City can be considered legitimate per se. For example, any zoning change which eases restrictions on property use could be said to further the goal of “filling in vacant places.” Similarly, increasing the tax base and the employment of a community is not automatically a legitimate zoning goal. *See Concerned Citizens for McHenry, Inc. v. City of McHenry*, 76 Ill. App. 3d 798, 32 Ill. Dec. 563, 568, 395 N.E. 2d 944, 950 (1979) (an increase in the tax base of the community as the primary justification for a rezone is “totally violative of all the basic principles of zoning”).

Frank Griswold

From: [mary.griswold](#)
To: [Renee Krause](#)
Subject: Memo CC-25-028 Re Vacation of a Portion of B Street ROW
Date: Friday, January 24, 2025 11:04:00 AM

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Please include in the supplemental packet for the 01.27.2025 CC meeting

Memo CC-25-028 Re Vacation of a Portion of the B Street ROW

Please voice non objection and consent to the Kenai Peninsula Borough Planning Commission decision to approve the vacation of the B Street ROW south of Bay Avenue with binding conditions.

On page 305 of the CC meeting packet, you will find KPB 2024-131 V which depicts the required 20-foot public access easement granted to the City of Homer.

On page 306 of the CC meeting packet, you will find Doyon's architectural drawing showing the vegetative buffer (#2), the pedestrian easement (#3), and the two viewing platforms (#13), labeled in the Key Notes on the right side of the page.

We have an opportunity to provide legal pedestrian access from Bay Avenue to the Homer Spit Trail, creating a pleasant walking experience from the end of the Spit to downtown Homer, avoiding most of vehicle-congested Ocean Drive. The existing path from Bay Avenue turns left from the B Street ROW and trespasses across the Doyon property to the Homer Spit Road. I have walked this illegal trespass trail for more than a decade (during a time when the property owners did not seem to object) until a recent owner put a chain across it at the property line. I would love to walk this route again.

This ROW vacation paired with the rezone of the lot at 1491 Bay Avenue and the replat of the three Doyon parcels will dedicate and record a pedestrian easement from Bay Avenue to the viewing platform on Doyon's hotel complex property. The public will have pedestrian access from this platform to the Homer Spit Road and the Spit Trail along the hotel's sidewalks.

The Kenai Peninsula Borough Planning Commission approved this ROW vacation at its 01.13.25 meeting. The pedestrian easement is a condition of this approval. Many public comments to the borough planning commission opposed the ROW vacation because the 20-foot wide pedestrian trail easement promised by Doyon in trade for this ROW vacation was not depicted on a plat. If the vacation and rezone are approved by the Homer City Council, the pedestrian trail easement will be documented on the replat of the three parcels. The trail will be on the property being requested for rezone. If the ROW and rezone are approved, the plat is scheduled for KPB Planning Commission consideration on 02.10.25.

Vacating this ROW does not adversely affect access to any property. The ROW runs south to the north property line of parcel 18101027 which is owned by the Alaska State Aviation Division. This property is better accessed from the Homer Spit Road, which it abuts. The ROW does not extend to Kachemak Bay or to the city property between the Aviation Division parcel and the beach. The slope of the southern half is too steep to build a road

within the ROW. Two Doyon properties have excellent access from the Homer Spit Road and the third Doyon parcel has excellent access from Bay Avenue. There are no other affected properties.

The ROW immediately south of the existing path's left turn across Doyon property is brushy, moderately sloping, and has no trail on it. It can be scrambled up and down, but it is not a popular route to anywhere. It ends in the Mariner Lagoon wetlands, which are wildlife habitat that we want to protect from human intrusion.

Please support legal public access trails in Homer and voice non objection and consent to this ROW vacation with its appropriate binding conditions. This trade of public ROW for a strategic legal trail connector, which will be documented and recorded on the replat of these parcels, is a fair and equitable deal for everyone.

From: [Hal & Susan McLaneSmith](#)
To: [Department Clerk](#)
Subject: Lighthouse Village/Doyon
Date: Friday, January 24, 2025 12:45:38 PM

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Clerk, please forward this letter to all members of the Homer City Council, Mayor and City Manager. Thank you, Hal Smith, Susan McLane.

Council Members, Mayor, and City Manager:

You are about to give up a valuable piece of property to Doyon Corporation to build a large hotel which will change the Homer Spit, Spit Road and the adjacent neighborhoods dramatically and forever.

Obviously this is going to happen, but please don't let it happen till you have provided for several things:

1. A binding plan to assure protection of migratory birds, which have been using this rich area on journeys for millennia. Minimal disruption to the habits of our regular visitors should be guaranteed year round.
2. There needs to be guarantees that a viewing platform at least the dimensions of the previous viewing platform be provided as well as guaranteed access to this platform for birders and the public.

Thank you,

Hal Smith MD
Susan McLane

Residents of Homer for 37+ years.

Date: January 23, 2025
To: Homer City Council
From: Glenn and Bette Seaman
Subject: B-Street ROW Vacation and Lot 163 Rezone

Thank you for the opportunity to weigh-in on this final stage of the Doyon ROW Vacation. We are residents of the Bay Avenue Subdivision, and our lot is within 300' of the proposed development. We have been active in the development and review process and have offered constructive comments throughout the process. We are requesting that four actions be required by Homer City Council:

B Street ROW Vacation

1. Permanent pedestrian easements must be established between the Kachemak Drive/Homer Spit Road, the Shorebird Viewing Station (adjacent to the condos), and the Bay Avenue access trail.
2. Require a pedestrian pathway and 30-foot natural vegetation buffer as permanent easements that are documented on that Plat.

Proposed Bay Avenue Lot 163 Rezone from Residential to Commercial

1. This rezone must not be considered until the B Street ROW Vacation is addressed as noted above.
2. This access must be delineated on a complete, proposed Plat, before Council approval.

Proposed B-Street ROW Vacation, Pedestrian Access, and Natural Vegetative Buffer

Rationale and Statements of Fact

- 1) Doyon demolished the Shorebird Viewing Station, developed as a collaboration between landowners, the Fish and Wildlife Service, and Shorebird Festival.
- 2) Roughly half of which was private land and half on the public (City) land in the B Street ROW.
- 3) Previously, Doyon initially indicated an interest in keeping their trails open to the public between the Spit Road, the Shorebird Viewing Station, and Bay Avenue.
- 4) This interest was shared verbally, with only architectural drawings in writing. Nothing was binding.
- 5) Jan Keiser, previous Homer Public Works Director, recommended Doyon include a 30-foot natural vegetation buffer bordering adjoining properties.
- 6) In exchange for the ROW vacation, Doyon's Remanded Application included a 50-foot zone; a 20-foot public access easement (dedicated to the city), and 30-foot vegetated buffer (as visual buffer from adjacent residential properties).
- 7) Doyon did not include – and the CUP did not require – an easement for pedestrian access from Homer Spit crosswalk to either Shorebird Viewing Station or Bay Avenue Access.
- 8) At the January 13 KPB Planning Commission on the B Street ROW Vacation, Doyon:
 - a. Argued that the existed primitive access was incomplete and relied on trespassing on private property for access to the Spit and shorebird viewing station
 - b. Noted that the City did not intend or presently have the funds to develop the access

- c. Did not commit to providing access, indicating that this is our private property, and we should not be required to provide public access to the Shorebird Viewing Station.
 - d. Resisted efforts to include required access on the Plat
- 9) Doyon's recent involvement/testimony before the Borough Planning Commission seems to reflect a weakening commitment to guarantee public access. Doyon would not commit to a permanent easement.
 - 10) The existing B Street ROW is *NOT* Doyon land, but City land, and we implore the Council to maintain public access to the historical viewing station and Spit Road crossing.
 - 11) Only through dedicated and documented pedestrian easements can the City ensure public access to this important resource.
 - 12) Changes in facility ownership and use are always an option. Including these requirements on the Plat will ensure that these requirements carry forward with any future change of ownership or management of the land.

Proposed Bay Avenue Lot 163 Rezone from Residential to Commercial

Rationale and Statements of Fact

- 1) A proper review of the Rezone must be viewed in the context of whole project, Doyon's LHV project. Was the City Council provided a complete copy of the proposed Doyon LHV plan prior to this meeting? Council member comments at their January 13 meeting indicated it was not, which puts the Council at a disadvantage.
- 2) Most reviewers of proposed rezone – including us – opposed the change of zoning from Rural Residential to Commercial. This whole process seemed illogical and ill-timed; the Planning Commission recommended approval of rezone before the project had been fully vetted and the CUP approved. We still believe the proposed rezone, as detailed in Council's packet, does not comply with Homer code.
- 3) The rationale and discussion in the background materials in the packet is outdated and does not reflect the CUP-approved project. As one example, the staff analysis (page 173 of the Council packet), states that: "the development is separated from the adjacent property to the north by retaining wall and difference in elevation. The development is separated from adjacent property to the west by a 6' sight obscuring fence and 10' wide landscape buffer. The proposed development is carefully designed to be compatible with existing uses of the surrounding land." The current CUP requires a 30-foot natural vegetative buffer, which is minimal, but a significant improvement from the initial standard.
- 4) In addressing the requirements HCC 21.95.060(b) (pages 172-173 of the packet), Planning staff argue that "conditions have changed since the original adoption of the zoning district boundaries." With limited commercial land available, staff argued that it was warranted to rezone this land to accommodate a large development. We disagree with this assessment. This looks like "spot zoning". Will this continue? What's to stop this or future developer to applying the same criterion to move further down Bay Avenue?
- 5) The proposed rezone to Commercial re-enforces the importance of encoding a 20-foot easement and 30-foot vegetative buffer as part of the Plat.
- 6) No rezone should be considered until a Plat with the vegetative buffer and pedestrian easements to the Spit Road, the Shorebird Viewing Station, and Bay Avenue are approved.

Thank you for your service on City Council, and for considering our comments.



The highlighting in the above image illustrates what Doyon has proposed and what we – and many other members of the public -- are requesting.

The area highlighted in yellow is the 20-ft public pedestrian easement offered by Doyon. This should be documented in the Plat, which has not been drafted and shared with the public or City Council. This is the easement offered Doyon. Architect plans show the paved trail stopping at the viewing deck adjacent to the hotel.

The general area highlighted in green is 30-ft vegetated buffer. This has not been offered as an easement, nor has Doyon agreed to document and delineate on the Plat. We request that this area be a permanent buffer and documented on the Plat.

The general area highlighted in orange is the trail currently proposed to provide access from building and upper viewing deck and hotel to lower part of the development and historical Shorebird Viewing station. As compensation for any vacation of B Street ROW, this trail must be a public pedestrian easement and documented in the proposed Plat.

The general area highlighted in red captures the proposed sidewalk from Hope Spit crosswalk to trail system and eventually the Shorebird Viewing Station. Similarly, as just compensation for the B Street ROW, this trail should be designated at a permanent pedestrian easement and documented on the Plat.

From: [Shirley Forquer](#)
To: [Department Clerk](#)
Subject: Doyon property
Date: Friday, January 24, 2025 4:34:19 PM

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Dear Council members. Please vote to preserve the public access for shorebird viewing and environmental protection on lot 163 and don't vacate a portion of the B Street row.

This land should never have been allowed to be used for this hotel development.

Thank you,

Shirley Forquer

907 235-8317

From: [Deborah Boege-Tobin](#)
To: [Department Clerk](#)
Subject: Lighthouse Village
Date: Friday, January 24, 2025 12:46:28 PM

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Dear Mayor and Council Members,

Please seriously consider the overall habitat, water quality and organisms in the Mariner Park Slough area when determining how to act on the proposed Doyon hotel. Homer needs a fair deal with Doyon! We need to ensure public access for shorebird viewing and environmental protection for this valuable area. Also, private home owners as well as the Spit Road and Kachemak Drive need to be seriously considered. It is not fair to the citizens of Homer and the organisms, especially shorebirds, that rely on this essential habitat to vacate/give this area to Doyon for free. Please give serious attention to this high-value city-owned right of way.

Sincerely,

Debbie Tobin



Deborah D. Boege Tobin, PhD
she/her/hers
Professor of Biological Sciences & [Semester by the Bay](#) Coordinator
University of Alaska Anchorage-Kenai Peninsula College-Kachemak Bay Campus
Cell (call/text): **907-299-8380**
Email: ddtobin@alaska.edu

[Browse the KPC Searchable Schedule](#) to find your next favorite class!
<https://semesterbythebay.org/>

Dena'inaq einen'aq' gheshtnu ch'q'u yeshdu

'I live and work on the land of the Dena'ina.' (translation: Helen Dick, Sondra Shaginoff-Stuart, Joel Isaak) and am committed to anti-discrimination work, equality and equity for all.

From: [Mike C](#)
To: [Department Clerk](#); [Jason Davis](#); [Caroline Venuti](#); [Shelly Erickson](#); [Bradley Parsons](#); [Storm Hansen](#); [Donna Aderhold](#); [Rachel Lord](#)
Subject: Public access to Lighthouse Village viewing area
Date: Monday, January 27, 2025 7:42:38 AM

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Dear Homer City Council members,

My comments are regarding the proposed Doyon development of the Lighthouse Village area bordering Mariner Park Lagoon.

Paramount in this proposed development is the need to ensure public access for shorebird viewing and environmental protection for this valuable area.

The Council must establish conditions that protect the environmental integrity of the site while providing and maintaining the continued long-standing public access to shorebird viewing. These conditions must be codified through title/deed restrictions. Without this level of assurance Doyon, or any future owner, could walk away from agreements.

The proposed vacation of B-Street Right of Way and Rezone of Lot 163 Bayview Subdivision should ONLY be allowed if a revised plat showing a 20-ft Pedestrian Access Easement from both B Street and the Spit Road to the viewing platform is a condition. Only through a formal public easement can public access be assured, providing the necessary guarantee of “equal or superior access” required in KPB 20.70.180. Unsecured public access is an unacceptable trade for our public right of way.

Respectfully,

Michael Coffing
2041 Shannon Lane

Homer, AK

From: [Elizabeth Copper](#)
To: [Department Clerk](#)
Subject: Lighthouse Village Viewing area
Date: Monday, January 27, 2025 11:58:10 AM

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27 January 2025

I am not a Homer constituent. I live in San Diego, CA but I have a dual interest in the outcome of your hearing today re the Lighthouse Village viewing area. Giving up the City right-of-way which has long assured public access to the Bay and access to a site of scientific value to monitor bird usage is short-sighted and not in the public's interest. In California the state has recognized the public obligation to assure public access to coastal areas and the importance of valuing the natural resources they support.

The opportunity to have Bay access in Homer is one of the many reasons for the large number of visitors to Homer and the long-term bird surveys provide a significant resource to anyone monitoring the status of shorebird populations particularly on the west coast. San Diego Bay and the Tijuana River Estuary support large populations of migratory and wintering shorebirds many of which are among the amazing numbers that stop in Kachemak Bay.

Many of your visitors to Homer are active members of the birding community who are attracted by the resource you currently have and are contemplating giving away.

Please reconsider your plans for the Lighthouse Village viewing area and assure the continuing availability of an important tourist and scientific resource.

Thank you and can't wait for my next trip to Alaska,

Elizabeth Copper
227 F Avenue
Coronado, CA 92118
ecopper@san.rr.com

Subject: Letter of Support for Re-Zoning Lot 163 and the B Street ROW Vacation

Dear Members of the Homer City Council,

We are writing to express strong support for the re-zoning of Lot 163 within the Doyon Lighthouse Village (LHV) development and the vacation of the B Street Right of Way (ROW). These proposals reflect thoughtful planning, address long-standing community needs, and balance environmental preservation with accessibility.

Re-Zoning Lot 163

Lot 163, currently undeveloped, would greatly benefit from being re-zoned and incorporated into the subdivision of the entire LHV development. This change would preserve its natural old-growth vegetation, creating a vegetative buffer for the neighbors to the west and enhancing the area's overall aesthetic. Without re-zoning, any current or future owner could clear lot 163 of trees by right, losing this valuable buffer and negatively impacting the surrounding neighborhood.

Concerns about potential future development on the lot are valid but are effectively addressed by existing safeguards. Any proposed development would require obtaining a Conditional Use Permit (CUP), which includes a public hearing process and opportunities for community input, ensuring robust protections are in place. Furthermore, given the narrow width of the lot after the pedestrian easement—just 30 feet—it has minimal commercial value, making the likelihood of it being proposed for development extremely low.

Re-zoning Lot 163 is the solution to ensure its preservation as a natural vegetative buffer, as the Homer Planning Commission unanimously approved by CUP 2023-08. Let's lock it in now.

Vacation of the B Street ROW

The current ROW at B Street provides limited public benefit, as it only reaches the edge of the slope without access to the beach or a clear view of Mariner Park Lagoon. The existing trail is overgrown, rough, and inaccessible to many community members. Families with strollers, individuals with bike trailers, and those with mobility challenges cannot use the trail safely or comfortably.

The developer's proposal to create an ADA-compliant pathway would vastly improve accessibility, ensuring that all community members can enjoy the area. The proposed pathway would also connect to an upper viewing platform, offering excellent public value compared to the isolated and underutilized ROW. Significantly, these enhancements would be privately funded and maintained, relieving the City of Homer of the financial burden.

The proposed development of the existing B Street ROW far outweighs its current value; the developer has met and exceeded requirements based on the borough and city code. Additionally, offering a 20-foot pedestrian easement that is included in the subdivision (replat) grants access to the public in perpetuity; this was vetted and confirmed by the Kenai Peninsula Borough Planning department through the Borough attorney during the ROW public hearing on January 13th and is confirmed by their unanimous approval of the vacation request.

Thorough Review and Approval Process

The updated plans for this development have been thoroughly vetted through a robust public process. The Homer Planning Commission unanimously approved the revised plans after many hours of public hearings, ensuring that community concerns were addressed. Furthermore, the Kenai Peninsula Borough Planning Commission unanimously approved the ROW vacation during their public hearing. These unanimous votes reflect the well-considered nature of the proposals and the broad support they have garnered through the review process.

Developer's Commitment to the Community

The developer has demonstrated a strong commitment to being an engaged and responsive member of the Homer community. Based on feedback from the community and the Planning Commission, significant changes were made to the original design, highlighting their willingness to collaborate and adapt to align with community values.

In addition, the developer has already supported many community organizations, proving its dedication to being a good corporate citizen. As stated during the public hearings, it embodies the principles that all Alaska Native Corporations are tied to—the values of its people, where sharing and respect are pivotal. These values form the foundation of its operations and show its intent to contribute positively to Homer.

We should all be enthusiastic about welcoming them to our community. The benefits of having them as neighbors and business owners in Homer are vast and promising, from their investments in local projects to their ability to drive economic growth and opportunity for all.

Long-Term Benefits for Homer

The positive impacts of this development will create lasting benefits for Homer. By adding much-needed conference space, the project will extend opportunities for small businesses beyond the peak summer season into the shoulder and winter months. This enhancement will diversify Homer's economy, foster year-round tourism, and support local businesses.

In conclusion, the re-zoning of Lot 163 and the B Street ROW vacation represent thoughtful and beneficial proposals that balance environmental preservation, community input, and economic opportunity. I encourage the Homer City Council to approve these changes, as they reflect a commitment to making Homer an inclusive and vibrant community for all.

Thank you for considering this perspective and your continued efforts to support Homer's growth and prosperity.

Signed,

Bruce	Petska	Homer
Wade	Johnson	Homer
Travis	Guillory	Homer
Katie	Johnson	Homer
Chester	Millett	Anchorage
Isabelle	Millett	Anchorage
Marty	Wise	Homer
Joni	Wise	Homer
Stephanie	Green	Homer
Doug	Green	Homer
William	Anderson	Homer
Tasha	Struben	Homer
Tanner	Stengel	Homer
Eric	Struben	Homer
Emmy	Olsen-Drye	Homer
Kiril	Matveev	Homer
Curtis	Millett	Fritz Creek
Scott	Fraley	Homer
Tom	Zitzmann	Homer
Marivel	Petska	Homer
Nina	Rijkoff	Homer
Maxim	Matveev	Homer
Josiah	Fisher	Homer
Kevin	Zook	Homer
Camron	Hagen	Homer
Bill	Minnis	Homer
Patti	Minnis	Homer
Cody	Minnis	Homer
Ian	Overson	Homer
Mark	Edminster	Homer
Matt	North	Homer
Dennis	Haunschild	Homer
Stefen	Haynes	Homer
Samuel	Weisser	Homer
Kalie	Rubalcava	Homer
Gary	Harris	Homer
Katrina	Johnson	Homer
Tanner	Wagley	HOMER
DREW	SIMPSON	Homer
Josh	Burns	Homer
Robert	Armstrong	Homer
Patricia	Relay	Homer
Bath	Smith	Homer

Karin	Marks	HOMER
Haley	Fisher	Homer
Rita jo	Shoultz	Fritz creek
Leslie	Firth	Homer
Alyssa	Veldkamp	Homer
Kyle	Powell	Anchorage
Silas	Firth	Homer
April	Martin	Homer
Joleen	Brooks	Homer
Chris	Story	Homer
Phil	Vlay	Homer
Norm	Story	Himer
Zane	Millett	Homer
Cam	Shafer	Anchor Point
LaRry	Boone	Homer
Mark	Salinas	Ninilchik
Crystal	Rogers	Homer
Eric	Engebretsen	Homer
Joe	Boettner	Anchor Point
Jill	Gunnerson	Anchor Point
Victoria	Brandt	Homer
Trevor	Flynn	Homer
Jason	Thompson	Homer
Charley	Murphy	Homer
Sarah	Richardson	Homer
Joshua	Nieblas	Homer
Craig	Nolan	Homer
Max	Lowe	Homer
Rebecca	Turkington	Homer
Alie	Ward	Homer
Emily	Berg	Homer
Luke	Rubalcava	Homer
Kristina	Haynes	Homer
Travis	Guillory	Homer
Margaux	Sheppard	Homer
Tiffanie	Story	Homer
Charles	Anderson	Homer
Allen	Engebretsen	Homer
Jennifer	Cooney	Homer
Ryan	Muzzarelli	Anchor Point
Drosida	Basargin	Homer

From: [Kathleen Eagle](#)
To: [Department Clerk](#)
Subject: re-zone of Lot 163/ Ordinance 25-01 for all council members
Date: Sunday, January 26, 2025 7:33:16 PM

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Council members

My first choice in regards to the re-zone of Lot 163 is that it should be **rejected**, along with vacation of the right-of-way required to accomplish the plan for the hotel or whatever large building project they may have. I do not believe this area supports a building of the size that requires a re-zone. The area was zoned for a reason and this re-zone does not respect the original planning for the area. The base of the spit is a natural gateway to the spit and borders a hugely popular and biologically important wetland area. I am **not** opposed to the kind and level of commercial development that was there in the past (and did not require a re-zone). That development fit well into the area and allowed the full use and enjoyment of the viewing platform that was there. The overall size was much smaller and lower to the ground. The character of the development allowed for small businesses that fit well into the general art and outdoor types of businesses that attract visitors. The current re-zone is being requested since the buyers did not plan well enough to make sure they were buying land that was zoned for what they want to do... or they just expected since they are a bigger entity that they would and could have undue influence on the council and other governmental deciders to grant them the re-zone. Anyone building a big project like this should do their research and buy land that fits the project, not just expect that they will get the demands that they want and need to build. It makes no sense to do a re-zone for this reason. Why even zone if you are going to grant re-zones for many projects, especially when they come from a large organization. Are you willing to do re-zones for everyone asking? If you are, why zone at all?

If for some reason, you do consider the re-zone, I feel it will cause people to lose faith in your representation of individuals in Homer, favoring big business over long standing taxpayers and people who have supported this area for years as volunteers and promoters of Homer as a destination spot for friends and family. I have given countless hours to natural history tours and through citizen science projects like the shorebird festival and duck surveys. I have taken many children on the beaches and mudflats for

science exploration. I live in the city. Please do not rezone, but if you do, my fellow conservationists and birders have recommended the following:

The proposed rezone of Lot 163 (Ordinance 25-01) and Right-of-Way vacation (Memorandum CC-25-xxx) would allow for intensive development of- and impact to- City-Owned-Land that has been used for decades by the birding community and Kachemak Bay Shorebird Festival, Alaska's largest wildlife viewing festival. In these matters, **the Council should set conditions that (a) protect the environmental integrity of the site and (b) ensure long-standing historic public access to shorebird viewing, while granting the owners the right to develop their property. All conditions must be codified through title/deed restrictions; without this level of assurance Doyon, or any future owner, could walk away from agreements.**

Kachemak Bay Conservation Society supports vacation of B-Street Right of Way and Rezone of Lot 163 Bayview Subdivision only under the following conditions:

1) Provide a revised plat showing a 20-ft Pedestrian Access Easement from both B Street and the Spit Road to the viewing platform. Only through a formal public easement can public access be assured, providing the necessary guarantee of "equal or superior access" required in KPB 20.70.180. An unsecured public access is an unacceptable trade for our public right of way.

According to Shorebird Festival managers, approximately 100 birders have historically accessed the "Lighthouse Village" viewing platform at any given time during the festival, with 50 to 200 visitors generally coming each day, and this historic access must be secured.

2) Provide a revised plat showing a 30' conservation easement protecting the existing woods in the B Street Right of Way. Doyon has said that they want to protect Rural Residential neighbors from the noise, lights, etc. of the hotel via a 30' vegetative buffer: a conservation easement on the title is needed to legitimize that guarantee and protect this forested area.

The value of the 50 foot wide, 750 foot long piece of City land being asked for by the applicants is some of the most high-value land in Homer: wooded, waterfront property with killer views of shorebird habitat and Kachemak Bay. It is worth a lot, and asking for a guarantee that some land will be conserved (as has been promised) is fair and proper.

3) A binding plan to ensure the protection of migratory birds and their habitat. Approval of the rezone and ROW vacation would allow a large hotel/condo complex to be built in an area that is a cornerstone of Homer culture and economy. The site overlooks Mariner Park Lagoon, which is designated as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of International Importance, which means that at least 100,000 shorebirds annually return here.

To qualify for a WHSRN designation, the City of Homer—who owns the Lagoon—agreed to:

- make shorebird conservation a priority
- protect and manage shorebird habitat

Therefore, the City should require protection of shorebirds and their habitat in Mariner Park Lagoon. As a condition of the vacation of the ROW and the Rezone of the lot, developers should have to work with local US Fish and Wildlife Service, Friends of Alaska National

Wildlife Refuges (the local sponsors of the Kachemak Bay Shorebird Festival), as well as the Kachemak Bay Birders (supporters of the WHSRN) to come up with appropriate and binding measures to protect migratory birds and their sensitive habitat. This could be implemented, for example, through a title restriction placed on the land the City gives to Doyon.

Issues that need to be addressed include:

- Disruption of nesting birds and migratory shorebirds during their spring and fall migrations as a consequence of increased activity at the hotel and condos.
- Mitigation of impacts of condo-dwellers and their dogs to nesting and migratory birds.
- Mitigation of disruptive aspects of construction (like pile driving).
- A higher standard of stormwater management in this highly sensitive area.
- Mitigation of window strikes, light and noise pollution.

4) The new viewing platform should be at least equivalent in size to the old platform.

The Kachemak Bay Shorebird Festival has used this platform during the festival for bird surveys and viewing programs for the public. It was also used by the general public year round. Since so much of Homer tourism depends on having good access to bird and other wildlife viewing, it is important to restore this much used facility and make sure there are agreements on its maintenance and public use into the future. As with all other conditions, this commitment must be secured through title restriction.

I would add that the ecological integrity of this area is important for far more than shorebirds. There are nesting Sandhill Cranes very close to this lot and many more living things, many in the mud and microscopic that you cannot easily see, but drive the productivity of the area. I urge you to encourage the landowner to find a new lot to develop and plan a different project for this one. It was their choice to buy a lot not suitable for the project they planned. It is not up to you to make it work.

With regards, Kathleen Eagle
BS Wildlife Biology
Biology teacher
Licensed Counselor
Homer resident (City)

Kathleen Eagle
1276 Beluga Ct.
Homer, AK 99603
907 232-3789

“All we have to decide is what to do with the time that is given us.”
--J. R. R. Tolkien

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This e-mail is a natural product made from recycled electrons. The slight variations in spelling and grammar enhance its individual character and beauty and in no way are to be considered flaws or defects.

From: [Cooper Freeman](#)
To: [Department Clerk](#)
Subject: Comment on Proposed Rezone of Lot 163 (Ordinance 25-01) and Right-of-Way vacation (Memorandum CC-25-xxx)
Date: Monday, January 27, 2025 10:07:37 AM

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Hello,

This comment pertains to the proposed rezone of Lot 163 (Ordinance 25-01) and Right-of-Way vacation (Memorandum CC-25-xxx).

I do not support this development as currently proposed by Doyon. I understand Doyon went back to the drawing board and reduced the size, to some degree, from their initial design. That's fine but we have to remember that Doyon is a corporation whose sole purpose is to make profits for their shareholders (who do not live in Homer). It is not at all unreasonable to make them work on a third draft of their designs. Doyon makes it sound like they're victims of some onerous process, when they came to Homer with a completely unreasonable design and now have pushed the baseline such that we feel that this still far too big development can only be considered "reasonable" and we should be grateful to them. The size of the development is still not reasonable, and will push Homer towards more extra large, big box development outside of the city center, marring sightlines, views, wildlife, and encouraging other developments. The main hotel building is still too tall for the location and creates a new precedent for height allowances that will be pushed further and further over the years ahead. This kind of development will continue to push families and a year-round residential workforce out of Homer, in favor of rich, out-of-town summer vacationers. Where are there employees going to live in the summer? They have not answered this question? There are still unsatisfactory plans for traffic control, which is going to be an unsafe nightmare. Doyon is gaslighting us telling us the impacts are going to be minimal. Doyon claims that it needs the additional height of the hotel building to have a conference facility on the bottom floor. They could easily have their conference facility where the sure-to-be uber expensive condos will be, or design the whole facility differently. It's just about more money - I implore you to not fall for their pleading. Homer is making the wrong choice by choosing to allow this very tall and large hotel in an incredibly important location. As such, I urge the council to vote no on the proposed rezone and right-of-way vacation until and unless Doyon lowers their building height and makes the development more right-sized for our small town and the beautiful scenery.

Thank you,

Cooper Freeman
Homer, AK

From: [Teena Garay](#)
To: [Department Clerk](#)
Subject: Doyan Access to Platform and Trail
Date: Monday, January 27, 2025 9:47:03 AM

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Dear City of Homer,

I just want to add to the concerns that the viewing platform be available to birders and locals and the right of way trail be available to the public not just the hotel.

I'm not opposed to the hotel itself but do have concerns over the traffic congestion at the base of the spit. Perhaps a light or round about might be needed.

Respectfully,
Teena Garay

From: [Richard Gustafson](#)
To: [Department Clerk](#); [Jason Davis](#); [Caroline Venuti](#); [Shelly Erickson](#); [Bradley Parsons](#); [Storm Hansen](#); [Donna Aderhold](#); [Rachel Lord](#)
Subject: Re-zone of Lot 163 Bayview Subdivision, Ordinance 25-01
Date: Monday, January 27, 2025 10:31:56 AM

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Dear Homer City Council,

I am NOT in favor of re-zoning Lot 163 Bayview Subdivision & vacation of the B-Street right of way. We have zoning for a reason: to protect land owners in neighborhoods and the public who use those right of ways from big developers who have far greater financial resources to influence changing zoning.

If the City Council feels it has to cave to the wishes of large corporate interests, please follow the suggestions of the Kachemak Bay Conservation Society and guarantee public access to the former "Lighthouse Village Viewing Area." Make sure that access is guaranteed regardless of whoever owns or buys the property in the future. That is the reason why we have zoning.

Richard Gustafson
1039 Barnett Place
P.O.Box 4144
Homer, Alaska 99603

rlgust71ak@gmail.com

From: [Jinky Handy](#)
To: [Department Clerk](#)
Cc: [J Handy](#)
Subject: RE. Doyon re-zoning issue: Lighthouse Village lot
Date: Monday, January 27, 2025 8:11:46 AM

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To the City Council re. Doyon site,

If considering a re-zone of the old Lighthouse Village to benefit Doyon, then I'm in support of the comments suggested by the Kachemak Bay Conservation Society. I've done shorebird monitoring from that site for a number of years and recognize the tremendous value of the area both for migratory shorebirds as well as for the viewing public.

Why is re-zoning being considered for a large, powerful corporation?

Thank you, Jinky Handy, Homer, AK

From: [Joe K](#)
To: [Department Clerk](#)
Date: Monday, January 27, 2025 10:37:02 AM

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Dear Council,

The Lighthouse Village platform has been a key location for birding and census data for decades. When the new platt is drawn for Doyon they need to ensure this remains by placing the new platform in its original location (or a suitably improved alternative) and maintaining the critical habitat in the area. This should be clearly outlined by the council.

Sincerely,

Joe Kallevig

From: [Eric Knudtson](#)
To: [Department Clerk](#)
Subject: Lighthouse Village
Date: Sunday, January 26, 2025 8:42:17 PM

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I am writing about the proposed rezone of Lot 163 (Ordinance 25-01). Homer needs a fair deal with Doyon, which involves ensuring public access for shorebird viewing and environmental protection for this valuable area. If the City grants Doyon the right-of-way parcel, we need to be sure that we have firm guarantees that there will be a public viewing area, that the public will have access to it, and that this guarantee will be in effect if the property is later sold.

Thank you,
Eric Knudtson

From: sealion@xyz.net
To: [Department Clerk](#)
Subject: Fwd: Memorandum CC-25-xxx
Date: Monday, January 27, 2025 11:22:14 AM

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Greetings City Council members,

I writing this to oppose the proposed rezone of Lot 163 (Ordinance 25-01) and Right-of-Way vacation (Memorandum CC-25-xxx). These two items are on the City Council meeting agenda tonight, January 27, 2025.

I am a birdwatcher and have participated in the annual Shorebird Survey and the Shorebird Festival for many years. Both of these events have extensively, and historically used the public access viewing platform at the former Lighthouse Village. This platform is important and integral to both events. The city has authority over this access point and I think it is in the public's best interest to maintain this Right-of-Way and keep it open for ALL to use.

Doyon, a single use, for profit business, should not have the right to vacate this existing and valuable access for their hotel. They surely knew that this was a factor when they purchased the real estate and they should not expect the City of Homer to vacate something that is in the public's best interest and right.

Please vote to deny Ordinance 25-01 and Memorandum CC-25-xxx at the meeting tonight.

Bird On!
Gary Lyon

61770 Skyline Drive
Homer, AK 99603

From: [Megan O'Neill](#)
To: [Department Clerk](#)
Subject: Lighthouse Village right-of-way
Date: Sunday, January 26, 2025 4:00:23 AM

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Homer Mayor and City Council Members:

As a resident of Homer I am deeply concerned about giving Doyon, for free, the right-of-way (Memorandum cc-25-xxx) and rezone of lot 163 (Ordinance 25-011). Doyon needs to agree to pay for the protection of migratory birds and their habitat in Mariner Park and continue to ensure public access.

If the Council supports Memorandum cc-25-xxx and Ordinance 25-01 there must be a plan binding Doyon and any future owner to provide public access and the protection of migratory birds and their habitat.

Thank you.
Megan O'Neill
3476 Main St.
Homer, AK

Sent from my iPad

From: [Mallory Primm](#)
To: [Department Clerk](#)
Subject: Old Lighthouse Village and Doyon
Date: Saturday, January 25, 2025 2:10:08 PM

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Hello,

Please alert the mayor and all members of the city council of my concerns about our city's deal with Doyon!

As birder and former Shorebird Festival Coordinator I have concerns about the rezone of Lot 164 and Right-of-Way vacation (Ordinance 25-01 and Memorandum CC-25-xx). For local's enjoyment, bird habitat and to support the benefits of hosting Alaska's largest wildlife viewing festival, the Council needs to take steps to protect the environmental integrity of the site and maintain, officially, the historic public access to shorebird viewing at the former lighthouse viewing site. All conditions must be codified through title/deed restrictions. Let's face it, without codification of these protections Doyon and any other capitalist enterprise will develop or neglect the agreements when the market seems ripe.

If the vacation of B-Street Right of Way and the rezoning of Lot 163 Bayview Subdivision must take place the city must:

1) Provide a revised plat showing a 20-ft Pedestrian Access Easement from both B Street and the Spit Road to the viewing platform. It's a great treasure of Homer to observe wildlife, weather and views of this important habitat. Likewise it is a cornerstone of the Shorebird Festival - literally one of the most popular thing for visitors to do! The council must guarantee "equal or superior access" as required in KPB 20.70.180.

2) Provide a revised plat showing a 30' conservation easement protecting the existing woods in the B Street Right of Way. Doyon has said that they want to protect Rural Residential neighbors from the noise, lights, etc. of the hotel via a 30' vegetative buffer: a conservation easement on the title is needed to legitimize that guarantee. This high value land must be conserved, as promised, in a codified agreement, not on the basis of "good faith".

3) A binding plan to ensure the protection of migratory birds and their habitat which is designated as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of International Importance. I, and other locals value this designation and birders across the world value this local designation as well. Protecting the important biodiversity of migratory species necessitates protecting their migratory path. Interruptions to these paths means devastation for bird populations worldwide. To maintain our WHSRN designation, the City of Homer has made a commitment to make shorebird conservation a priority and protect and manage shorebird habitat. We must maintain these commitments as Doyon enters the scene. As a condition of the vacation of the ROW and the Rezone of the lot, developers should have to work with local US Fish and Wildlife Service, Friends of Alaska National Wildlife Refuges, the Kachemak Bay Birders to agree on appropriate and binding measures to protect migratory birds and their sensitive habitat. This priceless habitat is more important than a hotel and is what draws visitors and residents to Homer in the first place. Such issues to be addressed include:

- Disruption of nesting birds and migratory shorebirds during their spring and fall migrations as a consequence of increased activity at the hotel and condos.
- Mitigation of impacts of condo-dwellers and their dogs to nesting and migratory birds.
- Mitigation of disruptive aspects of construction (like pile driving).
- A higher standard of stormwater management in this highly sensitive area.
- Mitigation of window strikes, light and noise pollution.

4) The new viewing platform should be at least equivalent in size to the old platform. We do not want to lose our historic access to this area for bird watching, surveys, and public enjoyment. Since so much of Homer tourism depends on having good access to bird and other wildlife viewing, it is important to restore this much used facility and make sure there are agreements on its maintenance and public use into the future. As with all other conditions, this commitment must be secured through title restriction.

Thank you for acknowledging what makes Homer special instead of giving special treatment to corporations.

With concern,
Mallory Primm

From: [Tim Seaver](#)
To: [Department Clerk](#)
Subject: Lighthouse Village
Date: Monday, January 27, 2025 10:44:37 AM

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Dear Officials,

I write to urge you to ensure that any development by Doyon in the Lighthouse Village area ensures that the public will have continued access for bird viewing. Thank you for your consideration.

Yours,
Tim Seaver

From: [David Sonneborn](#)
To: [Department Clerk](#)
Cc: [George Matz](#)
Subject: Lighthouse Village Wildlife viewing area.
Date: Friday, January 24, 2025 9:20:17 PM

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I would like to strongly support continued public access to the Lighthouse Village Wildlife Viewing Area as an important site for tourism to Homer. I would also like to point out that a hotel in Fairbanks on the edge of Creamer's Field Refuge advertises their location and encourages both visitors staying at the hotel and visitors to enjoy this refuge. This would be a "win-win" situation in Homer as well.
David Sonneborn

From: [Carla Stanley](#)
To: [Department Clerk](#)
Subject: Right of way for bird viewing at the old Lighthouse village
Date: Friday, January 24, 2025 6:22:47 PM

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PLEASE! I have worked the Shorebird Festival since 1998. The LHV viewing platform is gone. But viewing birds from that spot has been an important part of Homer for almost 40 years. It is of big concern now. Please do what can be done to save the access and viewing area in perpetuity for the public, especially Homer educators, and birders.

Carla Stanley
Former KPBSD Marine Science teacher
FORMER Shorebird Festival Volunteer,
Former Shorebird Festival Volunteer coordinator

From: ctwinne@icloud.com
To: [Department Clerk](#)
Subject: Access to Lighthouse Village
Date: Monday, January 27, 2025 11:38:25 AM

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Dear Members of Homer City Council.

As 45-year resident, please consider very carefully the proposed rezoning.

I adhere to the concerns expressed by the Kachemak Bay Conservation Society and Kachemak Bay Birders.

Access to the shoreline should be the general public's right.

Thank you for your time.

Clark Winne
1121 Sea Breeze Ct
Homer Alaska

From: [Victoria Winne](#)
To: [Department Clerk](#)
Subject: The proposed rezone of Lot 163 (Ordinance 25-01) and Right-of-Way vacation
Date: Monday, January 27, 2025 11:34:37 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Members of Homer City Council.

As 30 plus year resident and committed birder, please consider very carefully the proposed rezoning.

It is always sad to see iconic buildings that have been part of Homer's unique and "quirky" character torn down. But it is egregious when it is done so to make way for a corporate and potentially soulless complex.

Furthermore, when such a complex takes away views, walks and activities enjoyed by the general public it compounds the issue.

I adhere to the concerns expressed by the Kachemak Bay Conservation Society and Kachemak Bay Birders.

Keep the shoreline for the birds and birders, and Homer for Homerites.

Thank you for your time.

Victoria Wilson Winne
1121 Sea Breeze Ct
Homer Alaska

From: [Heather Kallevig](#)
To: [Department Clerk](#)
Subject: Comments on Lighthouse village
Date: Monday, January 27, 2025 10:18:35 AM

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Please share with Mayor and all city council members prior to the upcoming meeting on lighthouse village.

Dear Community Members,

I am writing to encourage the Homer City Council to ensure the original birding platform over Mariner Park Lagoon is maintained by the Doyon corporation as they proceed with their plans. It needs to be in the same location as the previous site to ensure good viewing of the entire lagoon. The citizen science census work completed in Homer in the lighthouse village platform has played an essential role in conservation while also offering important recreational and educational opportunities through birding. Moving this site further back would impede these activities. The trees and lack of roadway are also critical to ensure this habitat is protected and maintained. Once this site is changed it cannot be recovered. Now is the time to ensure it is protected for current and future generations of birds, scientists, and birders. If the replatt is approved, the new platt needs to show any approval or changes to ensure they are protected for perpetuity.

From a birder, community member, and parent,
Heather Kallevig

Sent from my iPhone

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	KHP Land Purchase	DATE	01/07/2025
DEPARTMENT	Council	SPONSOR	Aderhold/Erickson/Hansen
REQUESTED AMOUNT	\$ 135,000		

DESCRIPTION	The State of Alaska DNR issued a new study in December 2024, mapping the potential for a major landslide in Woodard Canyon to flush a debris flow into Karen Hornaday Park and the west side of the hospital property. City control of lower Woodard Canyon would enhance storm water protection efforts. The 20-acre parcel suddenly appeared on the real estate market in November 2024. A small group of conservation-minded private Homer citizens acted quickly to buy the 20-acre parcel. The Homer citizens obtained the property for \$125,000. The Homer citizens have offered to sell the property to the City at no profit, to ensure its permanent protection. Up to an additional \$10,000 may be needed for due diligence and closing cost expenses.
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FUNDING SOURCE(S)	LAND RESERVES	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	100%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: Land Reserves (150)	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance \$ 382,965	Current Balance _____	Current Balance _____
Encumbered \$ 21,986	Encumbered _____	Encumbered _____
Requested Amount \$ 135,000	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda \$ 0	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance \$ 225,979	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



MEMORANDUM

Ordinance 25-08, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and City Council
Date: January 27, 2025
From: Shelly Erickson, Councilmember
Through: Melissa Jacobsen, City Manager

I wanted to address why this is coming forward to the Council. Melissa has worked with me and also this document has appropriate staff dialogue. While we need to go through and make sure this complete document is up to date and relevant since the Pandemic, this is a first step for the City in our code on this issue, especially should something unforeseen happen.

Years ago when I was on the council our City Manager moved the EMC to the Fire Chief. I think we all thought it was fine, as most of these issues would be somewhat short term. When the Pandemic came up, it was a different sort of emergency, but our code took away the ability for the City Manager to be in charge or to designate someone who might have been more qualified in such a situation.

The problem for the Council is that the chain of command in an emergency is now a City Employee that does not have to answer to the Council, Employee - City Manager - Mayor/Council. The correct way outside of an emergency is Mayor/Council - City Manager - Employee.

Line 41 is to clean up this issue. "Emergency Management Coordinator" means the City Manager or their designee.

What this means is that the City Manager is always the boss and it keeps the Mayor/Council relationship as it should be. Giving the City Manager the way to designated someone with the experience to manage a disaster vs just a position would put our response in a more effective position, while still keeping the Mayor and Council involved so the ability for elected officials to speak to their constituents is maintained and if for some reason there needed to be a change, the council has the ability to fulfill their job with the City Manager.