

City Council

Monday, January 22, 2018

Worksession 4:00 p.m.
Committee of the Whole 5:00 p.m.
Regular Meeting 6:00 p.m.



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

January-February 2018

- Monday 22nd:** **CITY COUNCIL**
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Wednesday 24th:** **PORT AND HARBOR ADVISORY COMMISSION**
Regular Meeting 5:00 p.m.
- Thursday 25th:** **CANNABIS ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Monday 29th:** **CITY COUNCIL WORKSESSION**
Worksession 4:00 p.m. Harbormaster's Office Conference Room
4311 Freight Dock Road, Homer, Alaska
- Tuesday 6th:** **LIBRARY ADVISORY BOARD**
Regular Meeting 5:30 p.m.
- Wednesday 7th:** **ADVISORY PLANNING COMMISSION COMMISSION**
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Monday 12th:** **CITY COUNCIL**
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:30 p.m. with the exception of
January April August November
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks Art Recreation and Culture Advisory Commission 3rd Thursday 5:30 p.m. with the exception of
July, December, January
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May-August 6:00 p.m.)
Cannabis Advisory Commission Quarterly 4rd Thursday 5:00 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BRYAN ZAK, MAYOR – 18
DONNA ADERHOLD, COUNCILMEMBER – 18
HEATH SMITH, COUNCILMEMBER – 18
SHELLY ERICKSON, COUNCILMEMBER – 19
TOM STROOZAS, COUNCILMEMBER – 19
RACHEL LORD – 20
CAROLINE VENUTI – 20
City Manager, Katie Koester
City Attorney, Holly Wells

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

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



WORKSESSION
4:00 P.M. MONDAY
JANUARY 22, 2018
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
COUNCIL MEMBER CAROLINE VENUTI
COUNCIL MEMBER RACHEL LORD
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK MELISSA JACOBSEN

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
- 3. GREATLAND STREET IMPROVEMENTS** Page 7
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, February 12, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska; and a Worksession January 29, 2018 at 4:00 p.m. scheduled to be held at the Harbormaster's Office Conference Room located at 4311 Freight Dock Road, Homer, Alaska

Greatland Street Extension

Issues to be discussed at Council Work Session

- Current plans are for Greatland to be extended north with the same road width as exists (40'), concrete curb and gutter both sides, and a concrete sidewalk on the west side (similar to the existing road).
- At the Pioneer intersection, the existing curb and gutter width is 28'. Should we narrow the road as it approaches the intersection or reconstruct the intersection to a 40' width? Widening the intersection would require right-of-way acquisition. Additional width would allow for a left turn bay at Pioneer Avenue, although based on current traffic, no left turn bay is warranted.
- Concept plan envisioned installation of street lights along new road construction (24' poles with LED lights, similar to recently constructed Grubstake Avenue). Greatland to the south has no street lights. Should we install lighting along the entire Greatland Street as part of this project?
- The 40' road width will allow for several different striping plans. Currently the Sterling Highway/Greatland Street intersection is striped to provide a left turn bay. The remainder of Greatland Street is provided a centerline strip only. The recent Grubstake Avenue project was striped to provide bike lanes on each side and no turning bays. Once Greatland is extended, several striping configurations are possible:
 1. Stripe it like Pioneer Avenue (continuous left turn bay, including both intersections, for left turn access to adjacent properties, no bike lanes). This is best implemented if the Pioneer intersection approach is widened to 40', but continuous left turn bay could die out at it approaches Pioneer Avenue if no widening at the intersection is completed.
 2. Stripe it like Grubstake Avenue (two vehicular lanes in each direction, bike lanes each side, no left turn bays at Sterling Highway or Pioneer Avenue). This is best implemented if the Pioneer intersection approach is widened to 40'. No widening at Pioneer Avenue means no bike lanes at intersection.
 3. Stripe it like it is currently striped (centerline stripe only, accept at Sterling Highway where a left turn bay will continue to exist, no bike lanes).
 4. Some combination of the three.
- The medical facility at the SW corner of Pioneer/Greatland intersection currently utilizes Greatland street right-of-way for parking. Should the project include work on the property to mitigate parking space losses?

Attachments:

Aerial Photo

Letters to Property Owners Directly Affected

Preliminary Plans

Preliminary Medical Facility Parking Modifications





City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

January 15, 2018

Barbara Scalzi
Northwind Gallery
173 W. Pioneer Avenue
Homer, Alaska 99603

RE: Proposed Greatland Street Extension

Ms. Scalzi;

Thank you for taking the time last month to speak with me about the City's plans to extend Greatland Street up to Pioneer Avenue.

The City Council will be meeting in a work session to discuss the preliminary design of the project and provide final design guidance to the design team. A public comment period is on the agenda. The work session will be held in the City Hall Council Chambers at 4:00 – 5:00 PM, Monday, January 22, 2018. Any formal actions that result from the work session could be acted upon in the regular Council meeting that starts at 6:00 PM.

I would be happy to meet you before, during or after the meeting(s) described above, to answer any questions or discuss any concerns you may have.

If you have any questions, call me at the number above or e-mail me at cmeyer@ci.homer.ak.us.

Yours Very Truly,

CITY OF HOMER

Carey S. Meyer, P.E.
Public Works Director



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

January 15, 2018

Jeffery Murphy
Pensco Trust Company
Custodian: Brian's Appliance & Refrigeration
PO Box 173859
Denver, CO 80217

RE: Proposed Greatland Street Extension

Mr. Murphy;

Public Works has been coordinating the City's plans to extend Greatland Street up to Pioneer Avenue. You own a lot that fronts on Greatland Street.

The City Council will be meeting in a work session to discuss the preliminary design of the project and provide final design guidance to the design team. A public comment period is on the agenda. The work session will be held in the City Hall Council Chambers at 4:00 – 5:00 PM, Monday, January 22, 2018. Any formal actions that result from the work session could be acted upon in the regular Council meeting that starts at 6:00 PM.

Regarding how the project might impact your property, I expect that the project would provide a water and sewer service, and a driveway cut. I would be happy to meet you before, during or after the meeting(s) described above, to answer any questions or discuss any concerns you may have.

If you have any questions, call me at the number above or e-mail me at cmeyer@ci.homer.ak.us.

Yours Very Truly,

CITY OF HOMER

Carey S. Meyer, P.E.
Public Works Director

cc: Jeffery Murphy - Brian's Appliance & Refrigeration
(hand-delivered)



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

January 15, 2018

Valentin Caspaar
Valentin Caspaar LLC
PO Box 58547
Seattle, WA 98138

RE: Proposed Greatland Street Extension

Mr. Caspaar;

The City of Homer is proceeding with the design of the extension of Greatland Street with the expectation that construction would be completed next summer.

The City Council will be meeting in a work session to discuss the preliminary design of the project and provide final design guidance to the design team. A public comment period is on the agenda. The work session will be held in the City Hall Council Chambers at 4:00 – 5:00 PM, Monday, January 22, 2018. Any formal actions that result from the work session could be acted upon in the regular Council meeting that starts at 6:00 PM.

If you have any questions, call me at the number above or e-mail me at cmeyer@ci.homer.ak.us.

Yours Very Truly,

CITY OF HOMER

Carey S. Meyer, P.E.
Public Works Director

cc: Brian – Save-U-More – Homer (hand delivered)
Angie Newby – Homer Real Estate (hand delivered)



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

January 15, 2018

Dr. Michael Boling
Jonas Ridge LLC
203 W. Pioneer Avenue, Suite 2
Homer, Alaska 99603

RE: Proposed Greatland Street Extension

Dr. Boling;

Thank you for taking the time last month to speak with me about the City's plans to extend Greatland Street up to Pioneer Avenue.

The City Council will be meeting in a work session to discuss the preliminary design of the project and provide final design guidance to the design team. A public comment period is on the agenda. The work session will be held in the City Hall Council Chambers at 4:00 – 5:00 PM, Monday, January 22, 2018. Any formal actions that result from the work session could be acted upon in the regular Council meeting that starts at 6:00 PM.

Regarding how the project might impact your property, I have attached a preliminary drawing that shows how parking and access issues might be resolved as part of the project. I would be happy to meet you before, during or after the meeting(s) described above, to answer any questions or discuss any concerns you may have.

If you have any questions, call me at the number above or e-mail me at cmeyer@ci.homer.ak.us.

Yours Very Truly,

CITY OF HOMER

Carey S. Meyer, P.E.
Public Works Director



CITY OF HOMER

PUBLIC WORKS DEPARTMENT



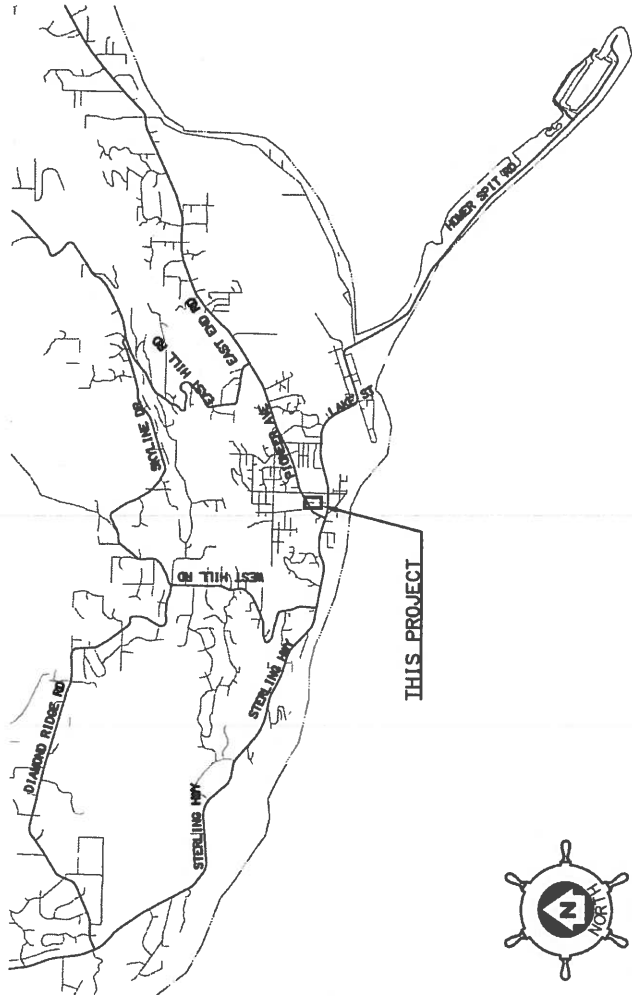
GREATLAND STREET IMPROVEMENTS

MAYOR
BETH WYTHE

CITY MANAGER
KATIE KOESTER

PUBLIC WORKS DIRECTOR
CAREY S. MEYER, P.E.

CITY COUNCIL MEMBERS
DAVID LEWIS
CUSH VAUGHAN
DONNA ADEPHOLD
CATRIONA REYNOLDS
BRYAN ZAK
HEATH SMITH



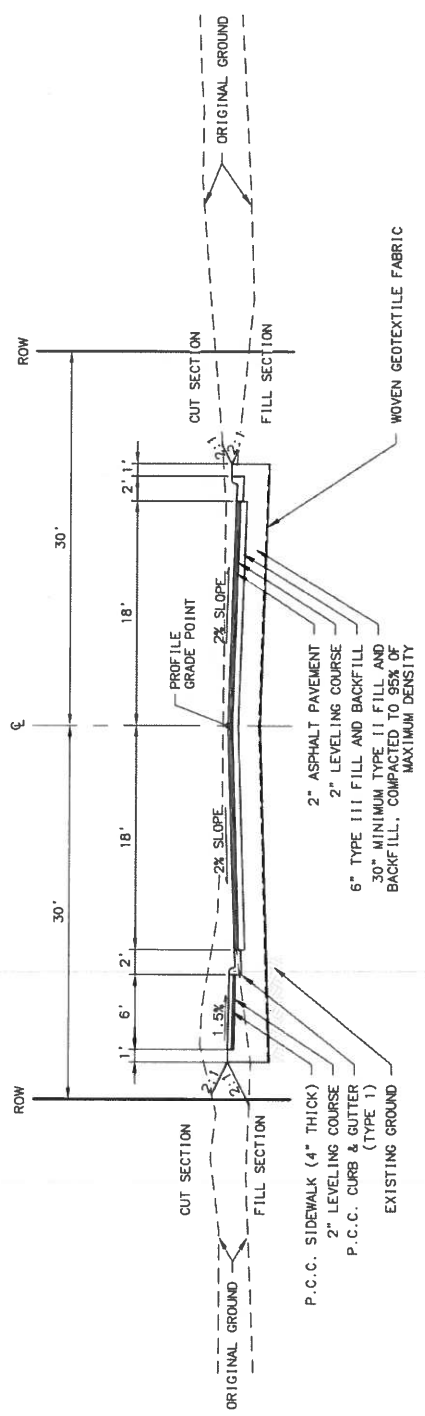
SHEET NO.	DESCRIPTION
A1	TITLE
A2	LEGEND
A3	GENERAL NOTES
A4	SURVEY CONTROL
B1	TYPICAL SECTIONS
C1	ESTIMATE OF QUANTITIES
D1-D2	SUMMARY TABLES
E1-E5	STORM DRAIN DETAILS
F1-F2	PLAN AND PROFILE
H1	TRAFFIC LEGEND AND NOTES
H2-H3	SIGNING, STRIPING AND ILLUMINATION PLANS
H4	STION SUMMARY
H5	ILLUMINATION SUMMARIES
H6-H9	STION DETAILS
H10-H12	ILLUMINATION DETAILS
J1-J2	TRAFFIC CONTROL
U1	WATER MAIN NOTES
U2	TYPICAL TRENCH SECTION
U3-U4	WATER SERVICES
U5-U7	WATER SERVICE DETAILS



NO.	DATE	REVISIONS DESCRIPTION	YEAR	SHEET NO.	TOTAL SHEETS
			2018	A1	A4
					38

SHEET NO.	TOTAL SHEETS	
B1	B1	
ADDENDUM NO.		
ATTACHMENT NO.		
REVISIONS		
NO.	DATE	DESCRIPTION

- NOTES:
1. APPLY 4 INCHES TOPSOIL AND SEED TO ALL DISTURBED AREAS OR AS DIRECTED BY THE ENGINEER.
 2. FOR EMBANKMENT FILL, PROVIDE TYPE II FILL AND ASPHALT COMPACTED TO 95% OF MAXIMUM DENSITY.



GREATLAND STREET TYPICAL SECTION
BOP TO EOP

PLANS DEVELOPED BY:
KINNEY ENGINEERING, LLC
FOR
CITY OF HOMER, ALASKA
PUBLIC WORKS DEPARTMENT



CITY OF HOMER
GREATLAND STREET
IMPROVEMENTS
TYPICAL SECTION

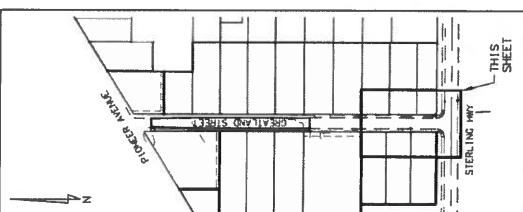
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ADDENDUM NO.

ATTACHMENT NO.

REVISIONS

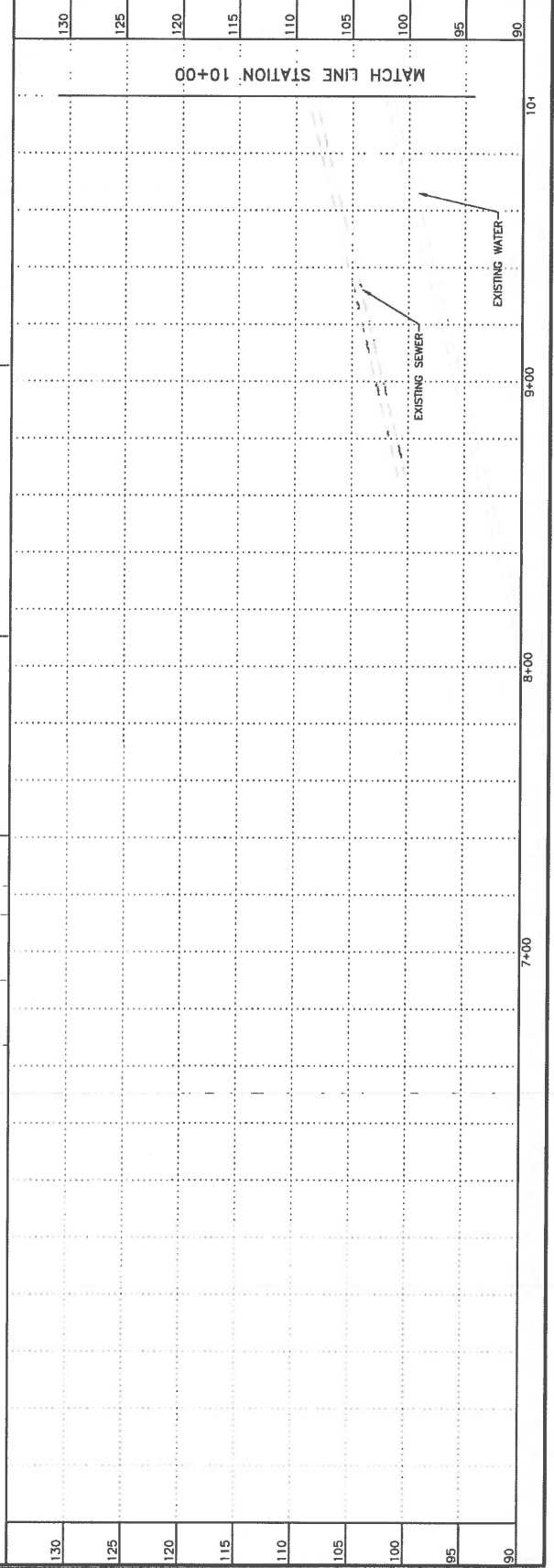
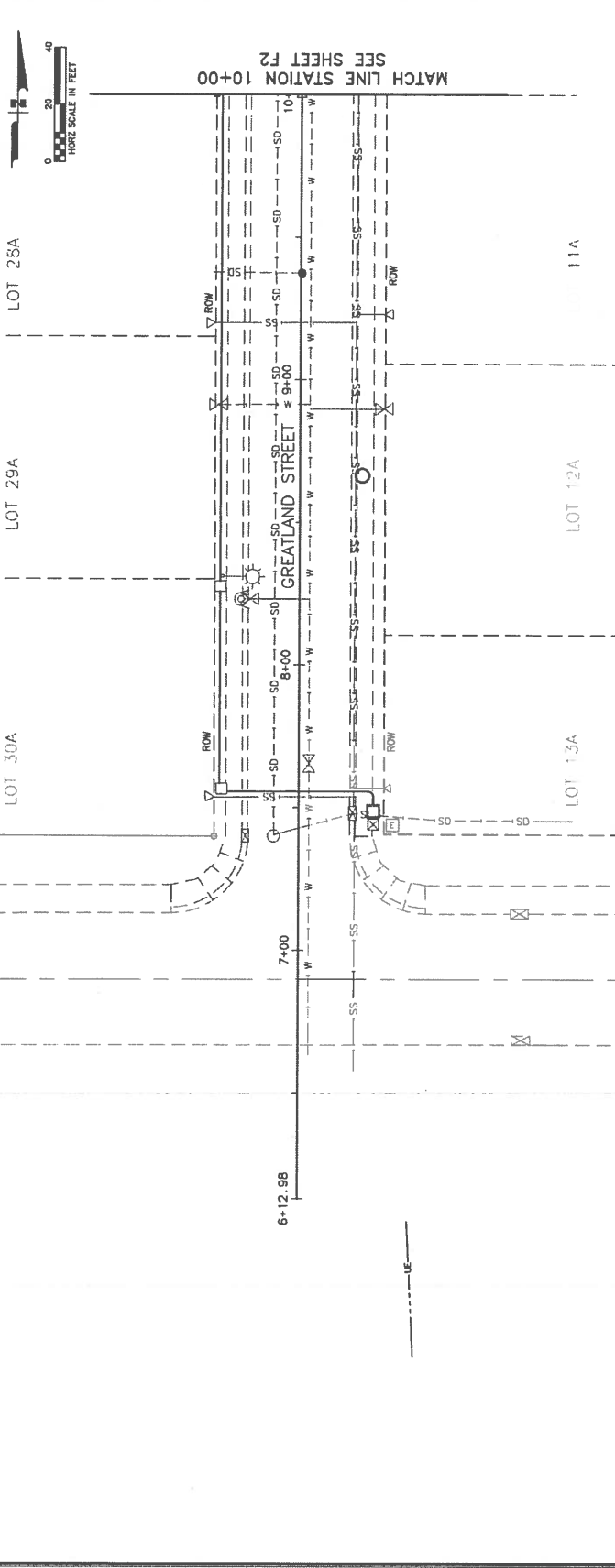
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PLANS DEVELOPED BY:
KINNEY ENGINEERING, LLC
FOR
CITY OF HOMER, ALASKA
PUBLIC WORKS DEPARTMENT



CITY OF HOMER
GREATLAND STREET
IMPROVEMENTS
PLAN AND PROFILE
BOP TO STA. 10+00



DATE: 11/17/2017 4:53 PM

SCALE: 1" = 40'

LAYOUT

PROJECT LOCATION: HOMER, AK

PROJECT NO: 1102

CONTRACT NO: 99503

CLIENT: ANCHORAGE

DATE: 11/17/2017 4:53 PM

PROJECT NO: 1102

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DATE: 11/17/2017 4:53 PM

PROJECT NO: 1102

CONTRACT NO: 99503

CLIENT: ANCHORAGE

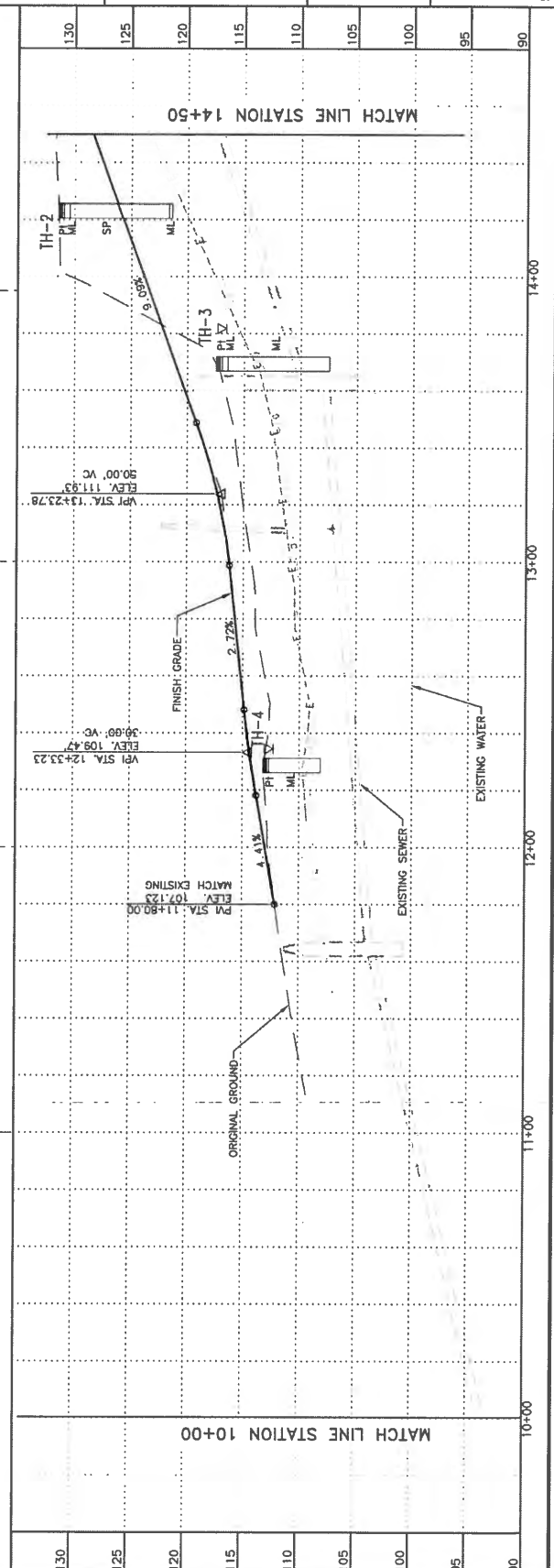
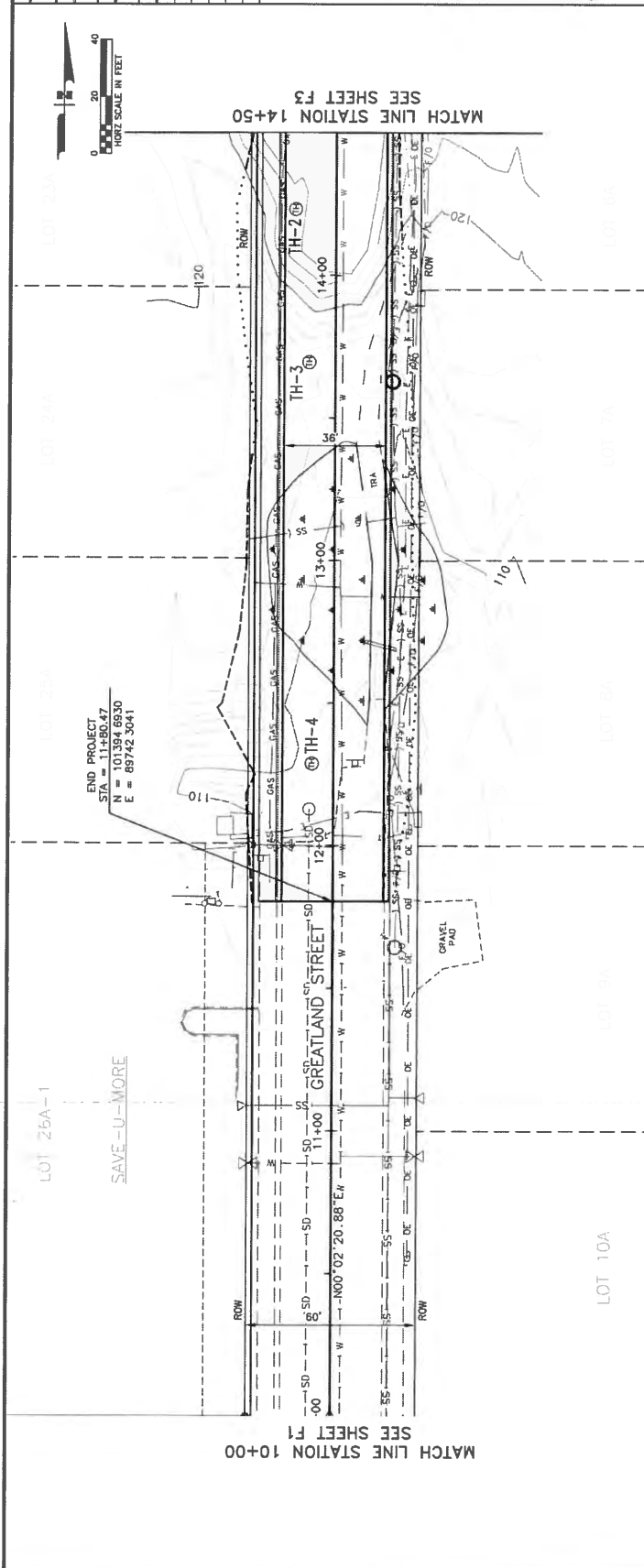
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PROJECT NO: 1102

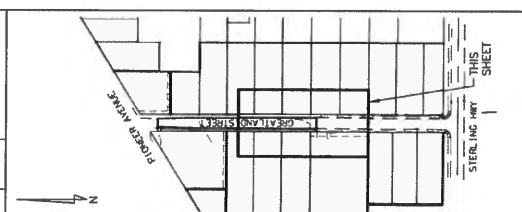
CONTRACT NO: 99503

CLIENT: ANCHORAGE

DATE: 11/17/2017 4:53 PM



SHEET NO.	F2	TOTAL SHEETS	F2
ADDENDUM NO.			
ATTACHMENT NO.			
REVISIONS			
NO.	DATE	DESCRIPTION	



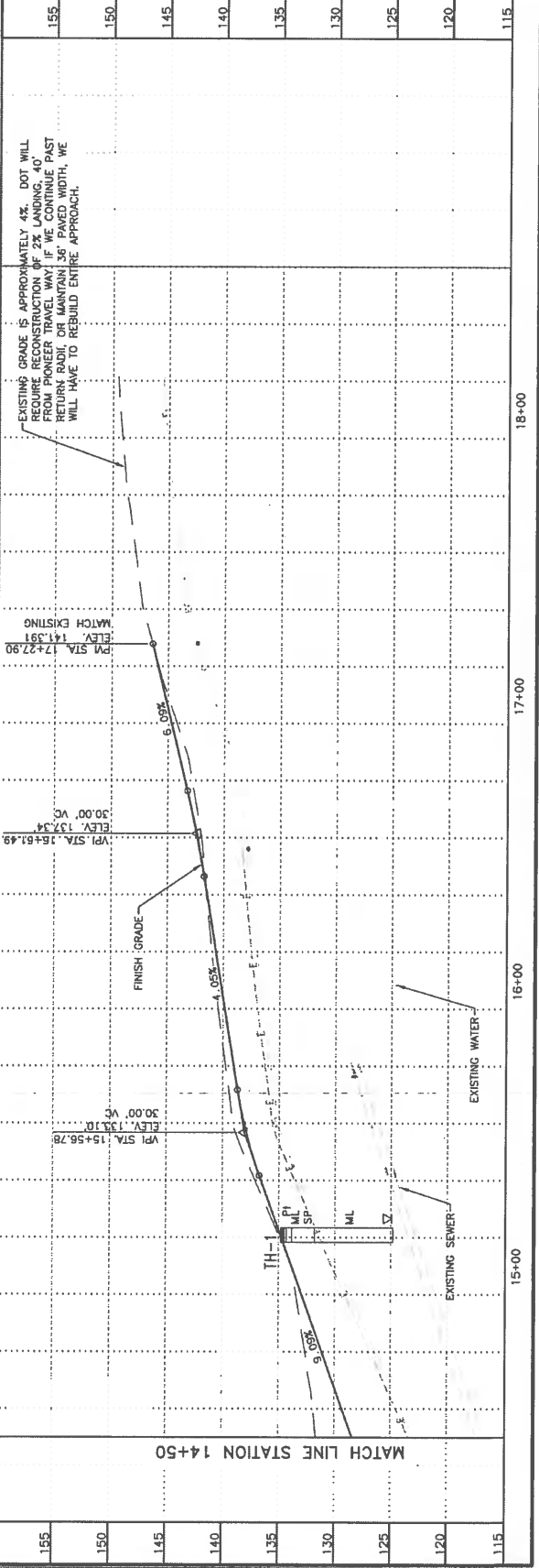
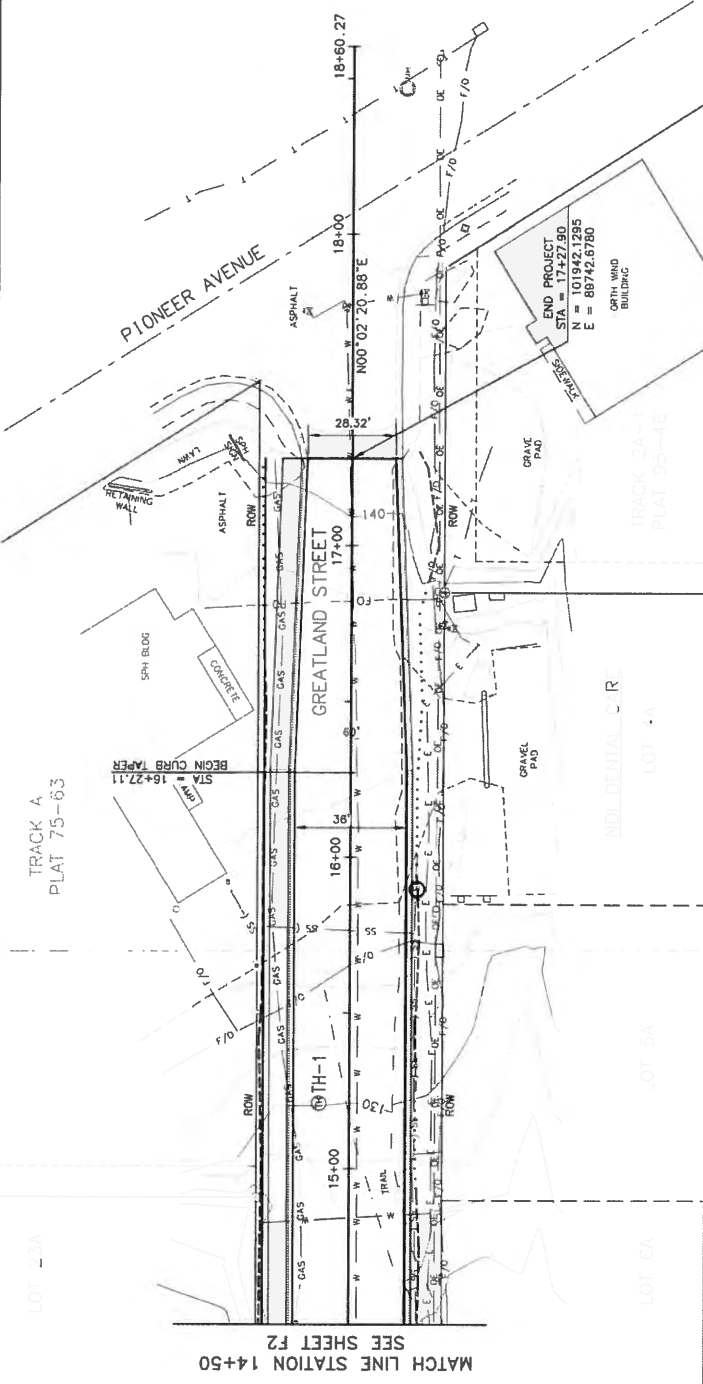
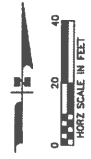
PLANS DEVELOPED BY:
 KINNEY ENGINEERING, LLC
 FOR
 CITY OF HOMER, ALASKA
 PUBLIC WORKS DEPARTMENT

CITY OF HOMER
 GREATLAND STREET
 IMPROVEMENTS

PLAN AND PROFILE
 STA. 10+00 TO STA. 14+50

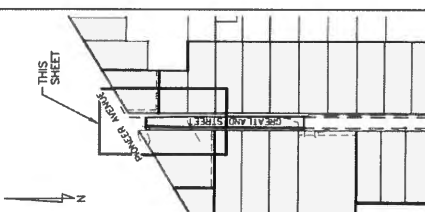
12/12/2017
 STATE OF ALASKA
 REGISTERED PROFESSIONAL ENGINEER
 NO. 80732
 EXPIRES 12/31/2020

SHEET NO.	F3	TOTAL SHEETS	F3
APPENDIX NO.			
ATTACHMENT NO.			
REVISIONS			
NO.	DATE	DESCRIPTION	



SCALE	F3
LAYOUT	F3
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PROJECT LOCATION	1102 - PROJECT LOCATION: HOMER, AK

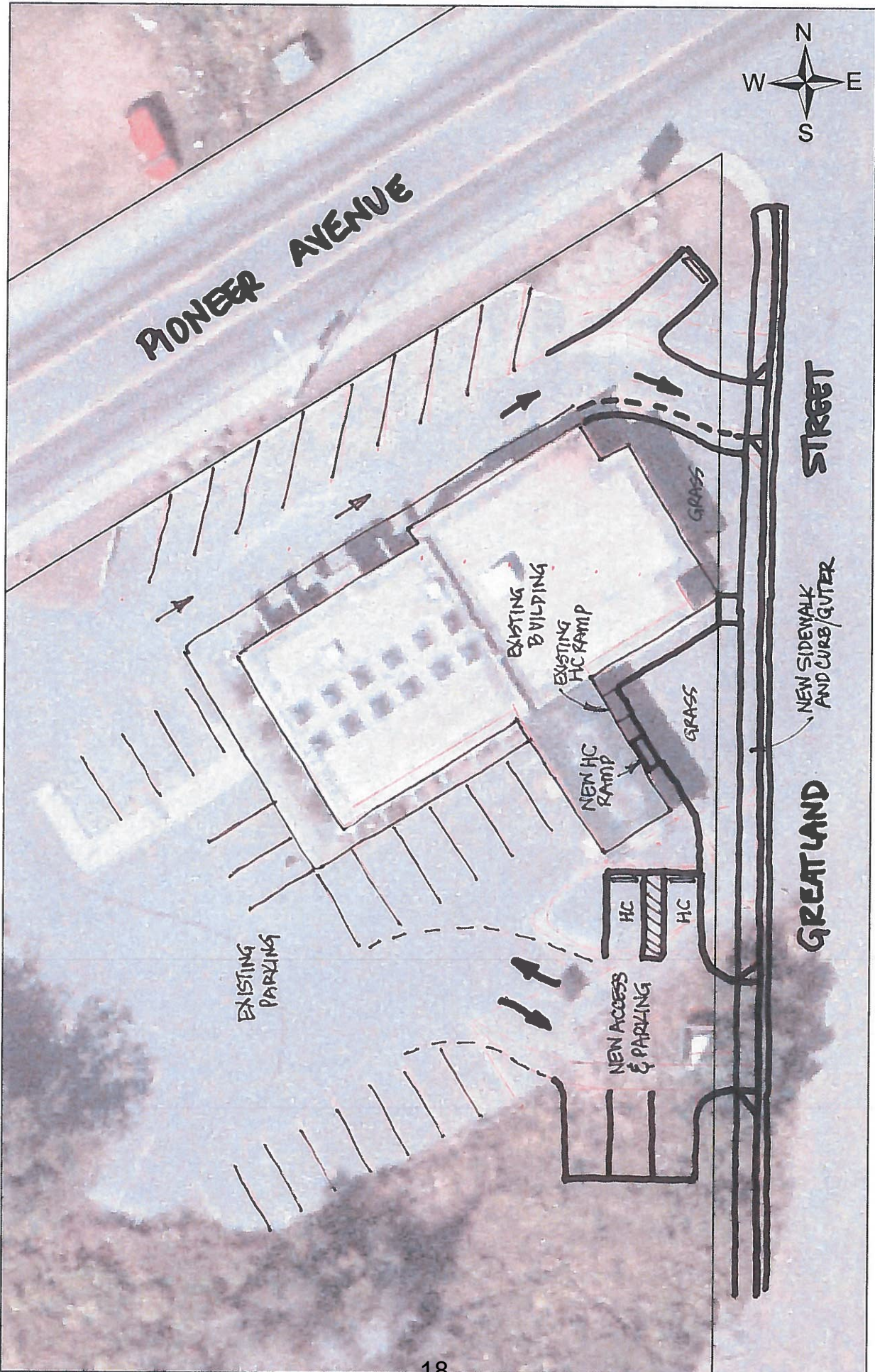
PLANS PREPARED BY: KINNEY ENGINEERING, LLC 3908 ARCTIC BLVD. SUITE 400 ANCHORAGE, AK 99503 © 2017



PLANS DEVELOPED BY:
 KINNEY ENGINEERING, LLC
 FOR
 CITY OF HOMER, ALASKA
 PUBLIC WORKS DEPARTMENT

12/7/2017
 REVIEW
 STATE OF ALASKA
 PUBLIC WORKS DEPARTMENT
 FAX: (907) 535-3145

CITY OF HOMER
 GREATLAND STREET
 IMPROVEMENTS
 PLAN AND PROFILE
 STA. 14+50 TO EOP



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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JANUARY 22, 2018
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
COUNCIL MEMBER CAROLINE VENUTI
COUNCIL MEMBER RACHEL LORD
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK MELISSA JACOBSEN

COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **Resolution 18-009**, A Resolution of the City Council of Homer, Alaska, Authorizing the Modification of an ADEC Municipal Matching Grant (MMG #40909) for the Water Storage and Distribution Improvement Project (Phase I), and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.
Page 363
Memorandum 18-015 from Public Works Director as backup
Page 365
4. **CONSENT AGENDA**
5. **REGULAR MEETING AGENDA**
6. **COMMENTS OF THE AUDIENCE**
7. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, February 12, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska; and a Worksession January 29, 2018 at 4:00 p.m. scheduled to be held at the Harbormaster's Office Conference Room located at 4311 Freight Dock Road, Homer, Alaska

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
JANUARY 22, 2018
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
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COUNCIL MEMBER RACHEL LORD
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK MELISSA JACOBSEN

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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 2.08.040.)

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

- A. City and State Recognition of Retiring Fire Chief Bob Painter Page 31
- B. Mayoral Proclamation – Chamber of Commerce Winter Carnival Parade

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. 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 January 8, 2018. City Clerk. Recommend adoption. Page 41

- B. **Memorandum 18-011** from Mayor Re: Re-Appointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council and Re-Appointment of Glenn Carroll and Daniel Donich to the Port and Harbor Advisory Commission Page 53

- C. **Memorandum 18-012** from Deputy City Clerk Re: Liquor License Renewals for Homer Brewing Company, Cosmic Kitchen, Harbor Grill, Grace Ridge Brewing, and Kharacters Page 59

- D. **Resolution 18-007**, A Resolution of the City Council of Homer, Alaska, Requesting that the U.S. Army Corps of Engineers Regulatory Division Conduct Scoping meetings in Homer, Alaska for the Proposed Pebble Mine, Permit Application POA-2017-271, and Include Homer on its List of Public Scoping Locations in its Notice of Intent Published in the Federal Register. Aderhold. Page 73

Memorandum 18-014 from Councilmember Aderhold as backup Page 75

- E. **Resolution 18-008**, A Resolution of the City Council of Homer, Alaska, Requesting the Department of Transportation and Public Facilities Work to Fix Sterling Highway Drainage that is Adversely Effecting Baycrest Subdivision. Erickson. Page 79

- 7. VISITORS**

- A. Business Retention and Expansion Survey Report – Economic Development Advisory Commission (10 Minutes) Page 97

- 8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (10 minute limit per report)**

- A. Borough Report

- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission

4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

9. PUBLIC HEARING(S)

- A. **Ordinance 18-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of Homer Permanent Fund Assets. City Manager/Finance Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.
Page 121
Memorandum 18-009 from Finance Director as backup Page 125
- B. **Ordinance 18-02**, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility. City Manager. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.
Page 129
Memorandum 18-003 from Special Projects Coordinator as backup Page 131
- C. **Ordinance 18-03**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/ Port and Harbor Director. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.
Page 135
Memorandum 18-004 from Port Director/Harbormaster as backup Page 139
- D. **Ordinance 18-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define “Employee-Occupied Recreational Vehicles”; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.
Page 143
Memorandum 18-005 from City Planner as backup Page 175
- E. **Ordinance 18-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743

from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. Page 245

Ordinance 18-05(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager. Page 247

Memorandum 18-006 from City Manager as backup Page 249

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

A. City Manager's Report Page 257

B. Bid Report Page 299

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

15. NEW BUSINESS

A. **Memorandum 18-013** from City Clerk Re: New Marijuana Cultivation License for Alaska Loven It, LLC. Page 309

16. RESOLUTIONS

A. **Resolution 18-009**, A Resolution of the City Council of Homer, Alaska, Authorizing the Modification of an ADEC Municipal Matching Grant (MMG #40909) for the Water Storage

and Distribution Improvement Project (Phase I), and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Page 363

Memorandum 18-015 from Public Works Director as backup

Page 365

- E. **Resolution 18-010**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Homer Harbor Cathodic Protection Project 2018 to the firm to be Announced in an amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Page 371

17. COMMENTS OF THE AUDIENCE

18. COMMENTS OF THE CITY ATTORNEY

19. COMMENTS OF THE CITY CLERK

20. COMMENTS OF THE CITY MANAGER

21. COMMENTS OF THE MAYOR

22. COMMENTS OF THE CITY COUNCIL

23. ADJOURNMENT

Next Regular Meeting is Monday, February 12, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska; and a Worksession January 29, 2018 at 4:00 p.m. scheduled to be held at the Harbormaster's Office Conference Room located at 4311 Freight Dock Road, Homer, Alaska

MAYORAL PROCLAMATIONS
AND RECOGNITIONS

**CITY OF HOMER HOMER, ALASKA
MAYOR'S PROCLAMATION**

**IN RECOGNITION OF BOB PAINTER, CITY OF HOMER FIRE CHIEF
FOR OVER TWENTY-SIX YEARS OF SERVICE AND DEDICATION
TO THE HEALTH AND SAFETY OF HOMER AREAS CITIZENS**

WHEREAS, On January 26, 2018, Fire Chief Bob Painter will retire from the City of Homer Volunteer Fire Department; and

WHEREAS, His retirement marks over 26 years of dedicated public service in Homer and the Kenai Peninsula Borough; and

WHEREAS, Bob, since beginning his career here on June 28, 1991 as Assistant Fire Chief, has served with utmost concern for citizen safety and wellbeing; and

WHEREAS, Bob, through his commitment to up-to-date training, fleet management and the establishment of the Skyline Fire Station, has helped equip the HVFD to professionally respond to a continuous rise in the number of emergency calls during his tenure; and

WHEREAS, Homer Volunteer Fire Department's exemplary record of no serious Firefighter injury or fatality while in the line of duty is a testament to Bob's commitment to the safety of Homer's emergency responders; and

WHEREAS, Bob has seen the City and surrounding area through several serious situations from the highly dangerous 1998 Icicle Seafood fire, ammonia leak and Homer Spit evacuation to the 2011 Northern Enterprises Boat Yard fire; and

WHEREAS, Bob has been instrumental in helping the City, its responders and citizens prepare for effective management of emergency situations by preparing the City's All Hazard Mitigation Plan and by conducting community trainings; and

WHEREAS, Bob's promotion of public safety extended beyond fire safety to include implementation of the highly successful Kids Don't Float program, which started in Homer and eventually spread to all of Alaska and to the Lower-48; and

NOW, THEREFORE, I, BRYAN ZAK, Mayor of the City of Homer, Alaska, on behalf of the Homer City Council and the citizens of Homer do hereby express our sincere and grateful appreciation, and extend our congratulations on his well-earned retirement and our best wishes for continued success, happiness, and good health in the years to come.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

THE ALASKA STATE LEGISLATURE



HONORING

Bob Painter

For over Twenty-Six Years of Service

The legislators of House District 31 and Senate District P commend Bob Painter for over 26 years of dedicated service to the Homer Volunteer Fire Department and the city of Homer.

Bob got his start as a volunteer emergency medical technician in Oklahoma. He soon moved up the ranks to paramedic, and then assistant director of ambulance services. After earning his associate and bachelor degrees, Bob was hired as the Assistant Chief of the Homer Volunteer Fire Department, rising to Chief in 2000. Throughout his tenure, Bob helped maintain the wide base of volunteers in the community and developed relationships with other organizations vital to the success of a small-town fire department.

While working tirelessly to keep the Homer community safe, Bob and his team helped implement the important Kids Don't Float program, which started in Homer and was eventually adopted by the entire state. He also helped create and facilitate the new firefighter and medical first responder training programs incorporating evidence based research and science into new best practices. One accomplishment Bob is most proud of is that there were no serious injuries or firefighter fatalities in the line of duty while he was Chief.

Over the many years as a first responder, Bob humbly notes that his success has been the result of working as part of a team within his department and the City of Homer. He has appreciated the professionalism and commitment of his coworkers, volunteers, and collaborating agencies on the various projects and services provided to the community.

The legislators of District 31 join Homer in honoring Bob Painter for the many years of dedication and expertise he shared through the Homer Volunteer Fire Department. They thank Bob for all he has done and wish him all the best in his future endeavors.



Handwritten signature of Paul Seaton in blue ink.

Representative Paul Seaton

Handwritten signature of Gary Stevens in blue ink.

Senator Gary Stevens

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 18-01 a Regular Meeting of the Homer City Council was called to order on January 8, 2018 at 6:00 p.m. by Mayor Pro Tempore Aderhold at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

ABSENT: MAYOR ZAK (excused timely notice given)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY WELLS
PUBLIC WORKS DIRECTOR MEYER
FIRE CHIEF PAINTER

Council met for a Worksession with the Parks Art Recreation and Culture Advisory Commission at 4:00 p.m. to discuss the future of the HERC, and as Committee of the Whole at 5:00 to discuss consent agenda and regular meeting agenda items in Homer City Hall Cowles Council Chambers.

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 2.08.040.)

The following changes were made: **CITY ATTORNEYS REPORT** City Attorney's Written Report; **NEW BUSINESS Memorandum 18-007(S)**, from City Clerk Re: Travel authorization for Mayor Zak and Councilmembers Aderhold and Erickson to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018

Mayor Pro Tem Aderhold asked for a motion for the approval of the agenda as amended.

STROOZAS/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. New Fire Fighter and EMT Swearing In Ceremony

Fire Chief Painter introduced the graduates of the last two recruit Fire Fighter and EMT classes Fire Fighter I & EMT I - Donna McNulty; Fire Fighter I - Courtney Moody and Jacquelyn Lucas; EMT I - Patrick Lane and Devin Kenelty; and EMT 2 Naomi Sheffel.

Mayor Pro Tem Aderhold administered the oath of office to the new Fire Fighters and EMT's.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Frank Griswold, city resident, commented regarding the City Attorney report. He noted her comments regarding work done on one of his Supreme Court cases and the recall petition, and questioned her declaration of conflict of interest regarding the petition and the billing regarding those cases.

Roberta Highland, city resident, commented in support of Resolution 18-006 and keeping the HERC gym open and Resolution 18-004 supporting the Prince William Sound Citizen Advisory Council.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting Minutes of December 11, 2017 City Clerk. Recommend adoption.
- B. **Memorandum 18-001** from Mayor Re: Appointments to the Library Advisory Board and Parks Art Recreation and Culture Advisory Commission. Recommend approval.
- C. **Memorandum 18-002** from City Clerk Re: Liquor License Renewals for Grog Shop East End, Down East Saloon, Salty Dawg Saloon, BPO Elks Lodge 2124, and Finn's, LLC. Recommend approval.
- D. **Ordinance 18-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of

Homer Permanent Fund Assets. City Manager/Finance Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-009 from Finance Director as backup

- E. **Ordinance 18-02**, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility. City Manager. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-003 from Special Projects Coordinator as backup

- F. **Ordinance 18-03**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/ Port and Harbor Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-004 from Port Director/Harbormaster as backup

- G. **Ordinance 18-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define “Employee-Occupied Recreational Vehicles”; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-005 from City Planner as backup

- H. **Ordinance 18-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-006 from City Manager as backup

- A. **Resolution 18-001**, A Resolution of the City Council of Homer, Alaska Confirming the Appointments of Treasurer and Deputy Treasurer for Calendar Year 2018. City Manager. Recommend adoption.
- B. **Resolution 18-002**, A Resolution of the City Council of Homer, Alaska Approving the Opioid Task Force as a Regular Quarterly Visitor on the Council's Agenda. Aderhold. Recommend adoption.
- C. **Resolution 18-003**, A Resolution of the City Council of Homer, Alaska, Adopting an Alternative Allocation Method for the FY18 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- E. **Resolution 18-005**, A Resolution of the City Council of Homer, Alaska, Amending the Council Operating Manual to Include Amendments to Homer City Code 1.18.020 and 2.80. City Clerk. Recommend adoption.

Memorandum 18-008 from City Clerk as backup

- F. **Resolution 18-006**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 13-095 Authorizing the City Manager to keep the Homer Education and Recreation Complex (HERC) Gymnasium Open for Community Recreation Programs that Require only Minimal Heat and Utilities until Such Time as the Building is Demolished to Include the Adjacent Classroom as Usable Space for Community Recreation Activities. Lord. Recommend adoption.

Mayor Pro Tem Aderhold asked for a motion to adopt the consent agenda as read.

ERICKSON/LORD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. Opioid Task Force (10 minutes)

Opioid Task Force members Lorne Carroll, Christine Fontaine, and Annie Wiard provided an overview of the task force, explaining it's a community group formed in response to the impacts of the opioid epidemic, that's open to the public and everyone is invited for dialog and

collaboration. Their focus is gathering information to learn how this has impacted the community and seeking to increase community health, increase access to support and services for individuals, and increase community resilience. There are subgroups focused on collecting local data, mobilizing volunteers and providing community outreach. They meet monthly on the 4th Wednesday at the South Peninsula Hospital Training Center and email updates and information can be received by contacting SKPOpioidTaskForce@gmail.com. Current services include The Exchange –Homer’s free and confidential syringe exchange program, Medication Disposal System, Naloxone/Narcan distribution and training, and Road to Recovery, Southern Kenai Peninsula Roadmap for success in treatment and recovery. Current outreach opportunities include OTF information at the 2017 Rotary Health Fair, Homer Middle School 3-day Substance Abuse Prevention Discussion with students in health classes, and community collaboration. Volunteers and community engagement are important, there are always ways to help and be proactive. Their future vision includes holding workshops, support groups, and education.

At the request of Councilmember Smith, Ginny Espenshade commented briefly about the middle school program and the positive experience and feedback of it.

B. Prince William Sound Regional Citizens Advisory Commission Update – Robert Archibald (10 minutes)

Robert Archibald, Homer’s representative on the Prince William Sound Regional Citizens Advisory Council (PWSRCAC) and Brooke Taylor, External Communication Director from Anchorage, provided an update on PWSRCAC transition from Crowley to Edison Chouest that will involve the entire marine contract for Alyeska Pipeline Service Company. It will be a major event to educate the new people to work in Prince William Sound. They reported on the new Alyeska Marine Terminal’s newly submitted contingency plan that was approved by ADEC. The amendment dealt with changes to a scenario for an oil spill at the terminal. Mr. Archibald and Ms. Taylor explained how the changes negatively impacts the response time to an oil spill for the Solomon Gulch Hatchery and the Duck Flats in Valdez. They thanked Council for bringing forward a resolution to support the PWSRCAC request for an adjudicatory hearing on the ADEC’s decision to approve these changes.

**ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS
(10 minute limit per report)**

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, gave a brief update on their budget process, their recent and upcoming worksession with the School District, and efforts to educate new assembly members on the budget process. The Mayor is bringing forward a resolution to establish a material site workgroup to examine Borough Code regarding material

site permit process and consider whether changes should be made. She reported the draft Comprehensive Plan is on the Borough's website, they are accepting input and feedback. She is bringing something forward regarding agricultural land use and extending the time to maintain the status if it's inactive. She also reported on their annual audit presentation where BDO reported that while their revenues were down, expenditures were also down resulting in a \$1.5 million budget surplus.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Roberta Highland, Planning Commissioner, reported Ordinance 18-04 in the Council packet doesn't include the Commission's recommendation for one recreation vehicle. They heard from people who didn't want it at all and discussed that an idea would be to put a cap on it. Ms. Highland also reported that their work on the Comprehensive Plan update is almost done and ready for public review. She reviewed the 2017 permit activity and said they have started work on the natural hazard overlay district on and around Baycrest.

3. Economic Development Advisory Commission

Councilmember Smith reported they had a worksession last week and went of the the BR&E survey findings and their regular meeting is tomorrow.

4. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commission, commented the Commission has been talking about the HERC worksession. He reported they have a full commission with tonight's appointment and he looks forward to the addition to the group.

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

Mayor Pro Tem Aderhold reported in December the Commission discussed ordinances on changing the group's name to the Marijuana Advisory Commission and changing to quarterly meetings.

PUBLIC HEARING(S)

- A. **Ordinance 17-43**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane. City Manager/Public Works Director. Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Memorandum 17-143 from Public Works Superintendent as backup

Mayor Pro Tem Aderhold opened the public hearing. There were no comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 17-43 by reading of title only for second and final reading.

STROOZAS/ERICKSON SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Ordinance 17-44**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street. City Manager/Public Works Director. Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Memorandum 17-144 from Public Works Director as backup

Mayor Pro Tem Aderhold opened the public hearing. There were no comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 17-44 by reading of title only for second and final reading.

STROOZAS/VENUTI SO MOVED.

There was brief discussion regarding the phases of the project.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester commented that the City has successfully negotiated the transaction on Lot 42 and she'll have an update in the next manager's report. She noted the Planning Commission will be receiving a presentation on the Borough Comprehensive Plan on February 27th if people are interested in attending the meeting.

Mayor Pro Tem Aderhold noted they discussed the 2017 project review at Committee of the Whole and recognized Public Works for their work in completing the work at or under budget and keeping the budget as an important item. She also noted there are two APSC Stakeholder Academy Funding memos and suggest people review them. It's an example of the impacts of State budget cuts and the hidden costs that get passed down to municipalities.

B. Bid Report

CITY ATTORNEY REPORT

City Attorney Wells commented on work done related to land use questions submitted to the City Manager from Frank Griswold regarding the City's maintenance of its rights-of-way, particularly on Fairview Avenue along the unimproved pedestrian section where boulders and signage are placed. In his correspondence Mr. Griswold questioned if it's permissible and if the City has the right to do it. Attorney Wells explained the research completed to determine that the City has the authority to manage the right of way.

Attorney Wells also noted that because they have more than one pending case at the Alaska Supreme Court that involves Mr. Griswold, she includes both when talking about one because the basis in them are so similar, she like to have them both before the Council for clarity.

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

15. NEW BUSINESS

- A. **Memorandum 18-007**, from City Clerk Re: Travel Authorization for Mayor Zak and Councilmembers to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018 **Page 515**

Memorandum 18-007(S), from City Clerk Re: Travel authorization for Mayor Zak and Councilmembers Aderhold and Erickson to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018

Mayor Pro Tem Aderhold asked for a motion for the approval of the recommendation in Memorandum 18-007.

LORD/VENUTI SO MOVED

Mayor Pro Tem Aderhold asked for a motion to substitute Memorandum 18-007(S) for 18-007.

LORD/VENUTI SO MOVED

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was comment that the substitute memo clarifies Councilmembers Aderhold and Erickson will be attending the conference in Juneau.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- A. **Resolution 18-004**, A Resolution of the City Council of Homer, Alaska, Supporting the Request for an Adjudicatory Hearing by the Prince William Sound Regional Citizens' Advisory Council, Prince William Sound Aquaculture Corporation, and the City of Valdez, on the Alaska Department of Environmental Conservation's Decision to Approve Amendments to the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan. Aderhold.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-004 by reading of title only.

ERICKSON/LORD SO MOVED

There was brief comment that it would have been helpful to have more information regarding the changes to the matrix to better understand the issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Sarah Vance, city resident, wished everyone Happy New Year. She congratulated new Councilmembers Lord and Venuti and commented regarding the CERT classes being offered by the Borough and encouraged people to participate.

Mike Illg, city resident and city employee, thanked Council and the Parks Art Recreation and Culture Advisory Commission for the the worksession today on the future of the HERC and commented that it's important to involve the public in this decision. He also reviewed the upcoming Community Recreation events and classes.

Frank Griswold, city resident, noted City Attorney Wells didn't mention the pending court case regarding a public records request. He also pointed out that none of the emails with his questions were provided to Council and quickly explained his concerns regarding the barricades at Fairview Avenue.

Ginny Espenshade, city resident, commented that she knows at least four of the young people sworn in as Fire Fighters and EMT's tonight grew up here here and pointed out that our community is doing a lot of things right.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells commented that Birch Horton is representing as local council for the State of Alaska in the case against Big Pharma on the opioid crisis. It's important issue for the Council her at the local level and if they want an update or summary to let her know and she'll keep them informed.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

Councilmembers Stroozas and Smith had no comments.

Councilmember Erickson said it was a productive night. We're on to sunshine and a new year and she's looking forward to all the good things that are going to happen. She commented that Safe Families is up and running now, it's an organization that helps families in crisis before children have to be placed in the system. The Safe Families program is saving the State thousands of dollars and helping to get families healthy. It's a wonderful organization and they're looking for more host families and support people. It's very exciting to see another way our community is coming together to help families in crisis.

Councilmember Lord wished everyone Happy New Year. She echoed the comments about Safe Families, it's an incredible and inspiring nationwide program. She recognized Councilmember Erickson's daughter for doing a fantastic job running it here in Homer. She noted if anyone is looking for winter, to go up. She recognized the Kachemak Nordic Ski club for their work on keeping the trails at Lookout and McNeil groomed so people can get out and enjoy winter, and also the ski clubs programs. She appreciated the Opioid Task Force report and looks forward to continued updates, and also appreciated the Worksession with Parks Art Recreation and Culture Advisory Commission.

Councilmember Venuti commented about Lunch with a Councilmember this afternoon. Kelly Cooper and the City Manager were there as well and the main topic was the HERC. She recognized the Firefighters and EMT's who were sworn in this evening, she recognized several of them as her former students, and reminded people who are interested in registering for classes to contact the college.

Mayor Pro Tem Aderhold commented on the great worksession with the Parks Art Recreation and Culture Advisory Commission. She's happy to see the public engaging with Lunch with a Councilmember, and she noted to the City Attorney that she would like updates on the opioid case at the state level.

ADJOURN

There being no further business to come before the Council, Mayor Pro Tem Aderhold adjourned the meeting at 7:43 p.m. The next Regular Meeting is Monday, January 22, 2018 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole 5:00 p.m. There is also a Worksession January 29, 2018 at 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-011

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: JANUARY 17, 2018
SUBJECT: RE-APPOINTMENT OF CARLA STANLEY TO THE COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL AND RE-APPOINTMENT OF GLENN CARROLL AND DANIEL DONICH TO THE PORT AND HARBOR ADVISORY COMMISSION

Carla Stanley is re-appointed to the Cook Inlet Regional Citizens Advisory Council for a three year term to expire in April 2021.

Glenn Carroll and Daniel Donich are re-appointed to the Port and Harbor Advisory Commission for a three year terms each to expire in February 2021.

RECOMMENDATION:

Confirm the re-appointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council and re-appointment of Glenn Carroll and Daniel Donich to the Port and Harbor Advisory Commission.

Fiscal Note: N/A



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

December 5, 2017

Members

*Tourism
Group*

*Alaska Native
Group*

*Environmental
Group*

*Recreation
Group*

*Aquaculture
Associations*

*Commercial
Fishing
Group*

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

*Kodiak Island
Borough*

*Kenai Peninsula
Borough*

*Municipality
of Anchorage*

The Honorable Bryan Zak
Mayor
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

Mayor Zak:

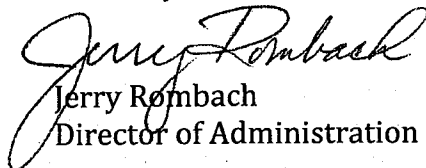
The Cook Inlet Regional Citizens Advisory Council (CIRCAC) is a citizen's oversight council for oil operations in the Cook Inlet area, organized under provisions in the Oil Pollution Act of 1990 (OPA 90). The Council's mission is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.

The Council, formed in late 1990 as a not-for-profit corporation, consists of thirteen Directors, appointed or elected by stakeholder groups as spelled out in OPA 90. These seats include seven municipal and borough seats, which includes the City of Homer. Directors are elected on a three year rotating basis. The three-year term for the City of Homer seat expires in April 2018. The seat is currently held by Ms. Carla Stanley. It is our understanding that Ms. Stanley wishes to continue as Homer's appointed representative.

Your participation in this membership process is important to us! Please submit to our office by March 6, 2018, written notification of your continued appointment of Ms. Stanley for a full three year term, or the name of her replacement appointee.

If you have any questions about CIRCAC, the role of board members, or the appointment process, please feel free to contact me at 907-283-7222 or jerryrombach@circac.org. We look forward to hearing from you in the very near future, and thank you for your time and support of our mission.

Sincerely,


Jerry Rombach
Director of Administration

cc: Carla Stanley

Cook Inlet Regional Citizens Advisory Council * 8195 Kenai Spur Hwy, Kenai, AK 99611-8033
Phone: (907) 283-7222 * Fax (907) 283-6102
www.circac.org

From: Jeanne Carroll
To: [Department Clerk](#)
Subject: port and harbor seat.
Date: Monday, January 15, 2018 2:42:44 PM

This is a note to let you know that I am willing to be reappointed to the port and harbor commission for another term.

Thank you.

Glen Carroll
907 299 7219

1/16/2018

To whom this may concern:

I Daniel Donich would like to serve another term on the Port and Harbor Commission.

Starting in January 16, 2018.

Thank you for your consideration.

Daniel Donich



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-012

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: HAYLEY SMITH, DEPUTY CITY CLERK

DATE: JANUARY 22, 2018

SUBJECT: LIQUOR LICENSE RENEWALS FOR HOMER BREWING COMPANY, COSMIC KITCHEN, HARBOR GRILL, GRACE RIDGE BREWING, AND KHARACTERS

We have been notified by the Alcohol Marijuana Control Office of liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
4136	Homer Brewing Company	Brewery	Homer Brewing Company, Inc.	1411 Lake Shore Drive
4359	Cosmic Kitchen	Restaurant/ Eating Place	Cosmic Kitchen Inc.	510 Pioneer Avenue
3174	Harbor Grill	Beverage Dispensary/ Seasonal	Done Jose's LLC	4262 Homer Spit Road
5433	Grace Ridge Brewing	Brewery	Grace Ridge Brewing, Inc.	3388 B Street
1085	Kharacters	Beverage Dispensary	Wonderful LLC	3851 Shelford

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

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

Memorandum

TO: Hayley Smith, Deputy City Clerk I
FROM: Mark Robl, Police Chief
DATE: January 11, 2018
SUBJECT: Liquor License renewals for Homer Brewing Company, Cosmic Kitchen,
Harbor Grill, Grace Ridge Brewing and Kharaters.

There is no objection to the renewals for the following businesses:

License #: 4136
License Type: Brewery
DBA Name: Homer Brewing Company
Licensee: Homer Brewing Company, Inc.
Premises Address: 1411 Lake Shore Drive

License #: 4359
License Type: Restaurant/Eating Place
DBA Name: Cosmic Kitchen
Licensee: Cosmic Kitchen Inc.
Premises Address: 510 E. Pioneer Ave.

License #: 3174
License Type: Beverage Dispensary/Seasonal
DBA Name: Harbor Grill
Licensee: Don Jose's LLC

Premises Address: 4262 Homer Spit Road

License #: 5433

License Type: Brewery

DBA Name: Grace Ridge Brewing

Licensee: Grace Ridge Brewing, Inc.

Premises Address: 3388 B Street

License #: 1085

License Type: Beverage Dispensary

DBA Name: Kharacters

Licensee: Wonderful LLC

Premises Address: 33851 Shelford Street

Mark Robl, Police Chief



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF

FROM: HAYLEY SMITH, DEPUTY CITY CLERK I

DATE: JANUARY 11, 2018

SUBJECT: LIQUOR LICENSE RENEWALS FOR HOMER BREWING COMPANY, COSMIC KITCHEN, HARBOR GRILL, GRACE RIDGE BREWING, AND KHARACTERS

We have been notified by the Alcohol Marijuana Control Office of applications for liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
4136	Homer Brewing Company	Brewery	Homer Brewing Company, Inc.	1411 Lake Shore Drive
4359	Cosmic Kitchen	Restaurant/Eating Place	Cosmic Kitchen Inc.	510 Pioneer Avenue
3174	Harbor Grill	Beverage Dispensary Seasonal	Don Jose's LLC	4262 Homer Spit Road
5433	Grace Ridge Brewing	Brewery	Grace Ridge Brewing, Inc.	3388 B Street
1085	Kharacters	Beverage Dispensary	Wonderful LLC	3851 Shelford

This matter is scheduled for the January 22, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, January 17, 2018.**

Thank you for your assistance.



January 5, 2018

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Brewery	License Number:	4136
Licensee:	Homer Brewing Company, Inc.		
Doing Business As:	Homer Brewing Company		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



December 28, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License Number:	4359
Licensee:	Cosmic Kitchen Inc		
Doing Business As:	Cosmic Kitchen		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/29/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : Cosmic Kitchen
License Type : Restaurant/Eating Places
License Location : 510 E. Pioneer, City of Homer
License No. : 4359

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant, KPB Finance Department, City of Homer & File



January 5, 2018

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary – Seasonal	License Number:	3174
Licensee:	Don Jose’s, LLC		
Doing Business As:	Harbor Grill		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



January 9, 2018

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Brewery	License Number:	5433
Licensee:	Grace Ridge Brewing, Inc.		
Doing Business As:	Grace Ridge Brewing		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



December 12, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	1085
Licensee:	Wonderful LLC		
Doing Business As:	Kharacters		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



KENAI PENINSULA BOROUGH

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

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/14/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : KHARACTERS
License Type : Beverage Dispensary
License Location : 3851 Shelford - City of Homer
License No. : 1085

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant, KPB Finance Department, File & City of Homer

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 18-007

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, REQUESTING THAT THE U.S. ARMY CORPS OF ENGINEERS REGULATORY DIVISION CONDUCT SCOPING MEETINGS IN HOMER, ALASKA, FOR THE PROPOSED PEBBLE MINE, PERMIT APPLICATION POA-2017-271, ALASKA, AND INCLUDE HOMER ON ITS LIST OF PUBLIC SCOPING LOCATIONS IN ITS NOTICE OF INTENT PUBLISHED IN THE FEDERAL REGISTER.

WHEREAS, The Alaska District of the U.S. Army Corps of Engineers Regulatory Division (Corps) received an application from the Pebble Limited Partnership for the discharge of fill material into and perform work within waters of the United States for the proposed Pebble Mine, and has identified the permit application as POA-2017-271; and

WHEREAS, The Corps has determined that an environmental impact statement (EIS) level of analysis will be required for the review of the Department of the Army permit application; and

WHEREAS, The Corps will conduct public scoping after publishing a Notice of Intent to develop an EIS in the federal register, and that the Notice of Intent will include a list of public scoping locations; and

WHEREAS, The Pebble Limited Partnership and its contractors used port, harbor, and barge services within the City of Homer during exploration work and preliminary investigations at the proposed Pebble Mine site, and it is therefore reasonable to foresee the Pebble Limited Partnership and its contractors using port, harbor, and barge services within the City of Homer during construction and operation of the Pebble Mine if the project receives permits from the Corps; and

WHEREAS, Materials required for mine site, transportation corridor, harbor, and power generation development related to the Pebble Mine may travel on the road system through Homer to access the harbor and deep water dock; and

WHEREAS, Homer based fishermen rely for their livelihoods on the waters of Cook Inlet where Pebble Limited Partnership proposes a dock, shipping activities, and subsea natural gas pipeline, and the waters of Bristol Bay which is downstream from the proposed Pebble Mine; and

43 WHEREAS, Small businesses based in and around Homer may benefit from the
44 construction and operation of the Pebble Mine by providing services to the Pebble Limited
45 Partnership and its contractors; and

46
47 WHEREAS, The construction and operational workforce at the Pebble Mine and their
48 families may reside currently or choose to reside in the Homer area; and

49
50 WHEREAS, These and other issues that should be evaluated in the EIS for the Pebble
51 Mine indicate Homer could be directly, indirectly, and cumulatively affected by the proposed
52 project.

53
54 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, requests
55 that the Corps conduct scoping meetings in Homer, Alaska for the proposed Pebble Mine,
56 permit application POA-2017-271, and include Homer on its list of public scoping locations in
57 its Notice of Intent published in the federal register.

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59 PASSED AND ADOPTED by the Homer City Council this 22 day of January, 2018.

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CITY OF HOMER

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BRYAN ZAK, MAYOR

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68 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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Fiscal note: NA



Memorandum 18-014

TO: Mayor and Homer City Council
FROM: Councilmember Aderhold
DATE: January 10, 2018
SUBJECT: Resolution 18-007

On January 8, 2018 the city received a press release from the Pebble Limited Partnership that the permit application they submitted to the U.S. Army Corps of Engineers (Corps) in December for the Pebble Mine project had been accepted. Their press release was because the Corps issued a Public Notice of Application for Permit on January 5, 2018. In the Public Notice the Corps states that it has determined that an environmental impact statement (EIS) level of analysis will be required for the review of the Department of the Army permit application. The Public Notice also states that the Corps will soon publish a Notice of Intent to prepare an EIS in the federal register which will include a list of public scoping locations. Resolution 18-007 requests that Homer be included in the list of locations because of the potential affects the construction and operation of the Pebble Mine project could have on the residents of the City of Homer and the surrounding area.

The National Environmental Policy Act (NEPA) requires federal regulatory agencies to reach out to the public and other state and federal agencies with regulatory jurisdiction to determine the scope of the EIS. Holding a scoping meeting in Homer would allow Homer area residents to hear first-hand from Pebble Limited Partnership about their proposed project and from the Corps and the agency's third-party consultant about the process and intended schedule for the EIS. Homer area residents will be better positioned to submit comments to the Corps that inform the development of alternatives to the proposed action and the analysis of possible effects. Those who attend the scoping meeting will also have the opportunity to sign up to receive future notices related to the EIS.

Following scoping, the Corps and the third-party contractor (NEPA practitioners in the private sector who will work at the direction of the Corps, with costs for preparing the EIS paid by the project proponent) will prepare a scoping summary report that outlines the comments they received, alternatives that were suggested, and what impacts analyses they intend to include in the EIS based on the scoping comments. The Corps will develop the alternatives to the proposed project that they will analyze. At minimum, they will evaluate the proposed alternative and a no action alternative. They could evaluate alternative transportation routes, port sites, natural gas pipeline alignments, power sources, etc.

They will then write a Draft EIS that analyzes the impacts (positive and negative) of each alternative. This process could take up to a year or more. Once the Draft EIS is publicly available, the Corps will conduct public meetings, likely in the same locations in which they conducted scoping, and the public will have opportunity to comment on the alternatives, analyses, and findings presented.

As a past NEPA practitioner who has prepared several major EISs, I firmly believe we want to be on the Corps' list of scoping locations for this project.

Recommendation: Approve Resolution 18-007

Enc: USACE Public Notice



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE: January 5, 2018
REFERENCE NUMBER: POA-2017-271
WATERWAY: Multiple

An application has been received in this office from Pebble Limited Partnership (applicant) to discharge fill material into and perform work within waters of the United States. The project site is located in Southwest Alaska near Iliamna Lake, primarily within the Lake and Peninsula Borough with a portion of the supporting infrastructure in the Kenai Peninsula Borough. The project consists of four primary project elements: a mine site, a port at Amakdedori, transportation corridor, and natural gas pipeline. The submitted application is available on the Corps website at [www.poa.usace.army.mil/Missions/Regulatory/Permitting-Section-Homepage/Department of the Army Permit Application POA-2017-271](http://www.poa.usace.army.mil/Missions/Regulatory/Permitting-Section-Homepage/Department%20of%20the%20Army%20Permit%20Application%20POA-2017-271) submitted by Pebble Limited Partnership.

The Corps has determined and notified the applicant that an environmental impact statement level of analysis will be required for the review of the Department of the Army Permit application. As such, the Corps will conduct public scoping after publishing a Notice of Intent to develop an EIS in the federal register. The Notice of Intent will include a list of public scoping locations. Times and dates for these locations will subsequently be advertised via Corps Public Notice and website as well as local media outlets.

Please contact Sheila Newman, Regulatory Division Program Manager at (907) 753-2712, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at poaspecialprojects@usace.army.mil if further information is desired concerning this notice.

District Engineer
U.S. Army, Corps of Engineers

**CITY OF HOMER
HOMER, ALASKA**

Erickson

RESOLUTION 17-008

A RESOLUTION OF THE HOMER CITY COUNCIL REQUESTING THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES WORK TO FIX STERLING HIGHWAY DRAINAGE THAT IS ADVERSLY AFFECTING BAYCREST SUBDIVISION.

WHEREAS, Properties in the Baycrest subdivision experience unusually high levels of flooding, runoff and erosion; and

WHEREAS, At least 3 of the properties in the subdivision on Judy Rebecca Court have experienced property damage due to water saturation including cracked windows and shifting foundations; and

WHEREAS, The property damage suffered along Judy Rebecca Court is related to the amount of water in the soil and every effort needs to be extended to control the amount of water introduced into the soils, including water runoff from the Sterling Highway; and

WHEREAS, The City of Homer has maintained ditches and replaced culverts in the Baycrest subdivision to help with drainage; and

WHEREAS, The Homer City Council passed Resolution 17-082 directing the Homer Advisory Planning Commission to consider a Natural Hazards Overlay District or other appropriate zoning regulation on and around Baycrest Subdivision; and

WHEREAS, Alaska Department of Transportation and Public Facilities (ADOT&PF) owns and operates a beehive that collects water off the Sterling Highway at the top of Baycrest Subdivision directing water into the subdivision; and

WHEREAS, Water from the beehive is not directed into an attended ditch or natural drainage but discharges unrestricted over land with water flow recorded at approximately 120,000 gallons in a 24 hour period during heavy rains in December of 2017; and

WHEREAS, In response to concerns expressed by residents in the subdivision, ADOT&PF sent Newton Bingham, PE, to evaluate the situation in November of 2017; and

WHEREAS, Baycrest Subdivision is at risk for further property damage and a potentially catastrophic slope failure.

11-16-2017 Homer Trip Report of Newton Bingham

Newton Bingham PE,
Regional Materials Engineer Alaska DOT/PF
5750 E Tudor Rd, Anchorage, AK 99507
Tel. (907) 269-6200, Email: newton.bingham@alaska.gov

Newton Bingham

Re: Meeting with Residents of Baycrest Subdivision in Homer regarding "beehive drain" + clearcutting = shifting soil and house foundations.

At the request of Mike Lesman, Legislative Liaison for the Commissioner, I flew to Homer on 11/16/2017 (Thursday) and met at Ms. Shirley Thompson's house with her and her neighbors Ms. Glenda Denton, and Ms. Carolyn Vanzant. Mr. Michael McCarthy attended also at Ms. Thompson's request. I noted the water flowing from the outlet of the subject culvert on the Sterling Highway while driving to the meeting with a flow similar to that in the photo. Also



there had been utility clearing in the subdivision. The subdivision road, Judy Rebecca Court, has been modified with the uphill backslopes revealing subsurface drainage frozen to the slope and glaciating at the end of the road. At the meeting the following discussion occurred.

- I presented the attached documents to explain the Department's position regarding the subject culvert, related drainage, and general knowledge of the soils in the Homer hill area. The Department's policy is to maintain existing drainages with culverts under the highway and this was illustrated with the LIDAR map.
- The highway as-built drawings were shown and discussed showing the existing culvert and field inlet ("bee hive", attached) of concern.
- Also presented was the Soil Classification map noting the soil type and the ground surface in the subdivision sloping downward from 15-25 % towards the bay.
- Mr. McCarthy, an advocate for the home owners in the subdivision, discussed the damage to the subject houses from ground water and unstable slopes. He reviewed the communications sent to Representative Paul Seaton and the Homer City Manager (attached). He asked if it were possible to redirect drainage in the subject culver further down the Sterling Hwy to a lower drainage to reduce the ground water in the subdivision that was causing the damage.

- I noted that redirecting the culvert discharge may not change the surface drainage and subsurface water in the subdivision as water discharging from the subject culvert has not been traced to the homes showing the distress as subsurface sources water in the slope between the Highway and the homes may be a factor to be considered.
- Ms. Thompson shared her efforts to preserve the vegetation and the letter to the editor decrying the cutting of trees that exacerbate the stability of the slope (attached).

Appreciation was expressed to me for representing the Department, listening to and discussing the property damage issues.

The residents proposed submitting a petition to the Governor requesting that he request the Commissioner of DOT/PF to make an exception to policy and redirect the water flowing into the inlet of the subject culvert further downhill within the ROW of the Sterling Highway to another drainage path to the bay.

Attachments;

1. Arial of subdivision noting affected properties
2. As-built plans of subject drainage
3. LYDAR map of drainages
4. Soil map
5. Newspaper article by Ms. Thompson
6. Mr. McCarthy letter to Representative Seaton dated 1-20-15

Cc

- Mike Lesman, DOT/PF
- Wolfgang Junge
- Dave Kemp
- Carl High
- Shannon McCarthy
- Shirley Thompson



Legend

Tax Parcels

Thompson Property

Notes
Enter Map Description



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Tax Parcels

Denton Property

Notes
Enter Map Description

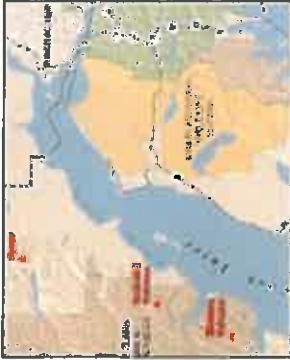


0.1 Miles



Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Tax Parcels

Vanzant Property

Notes
Enter Map Description



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

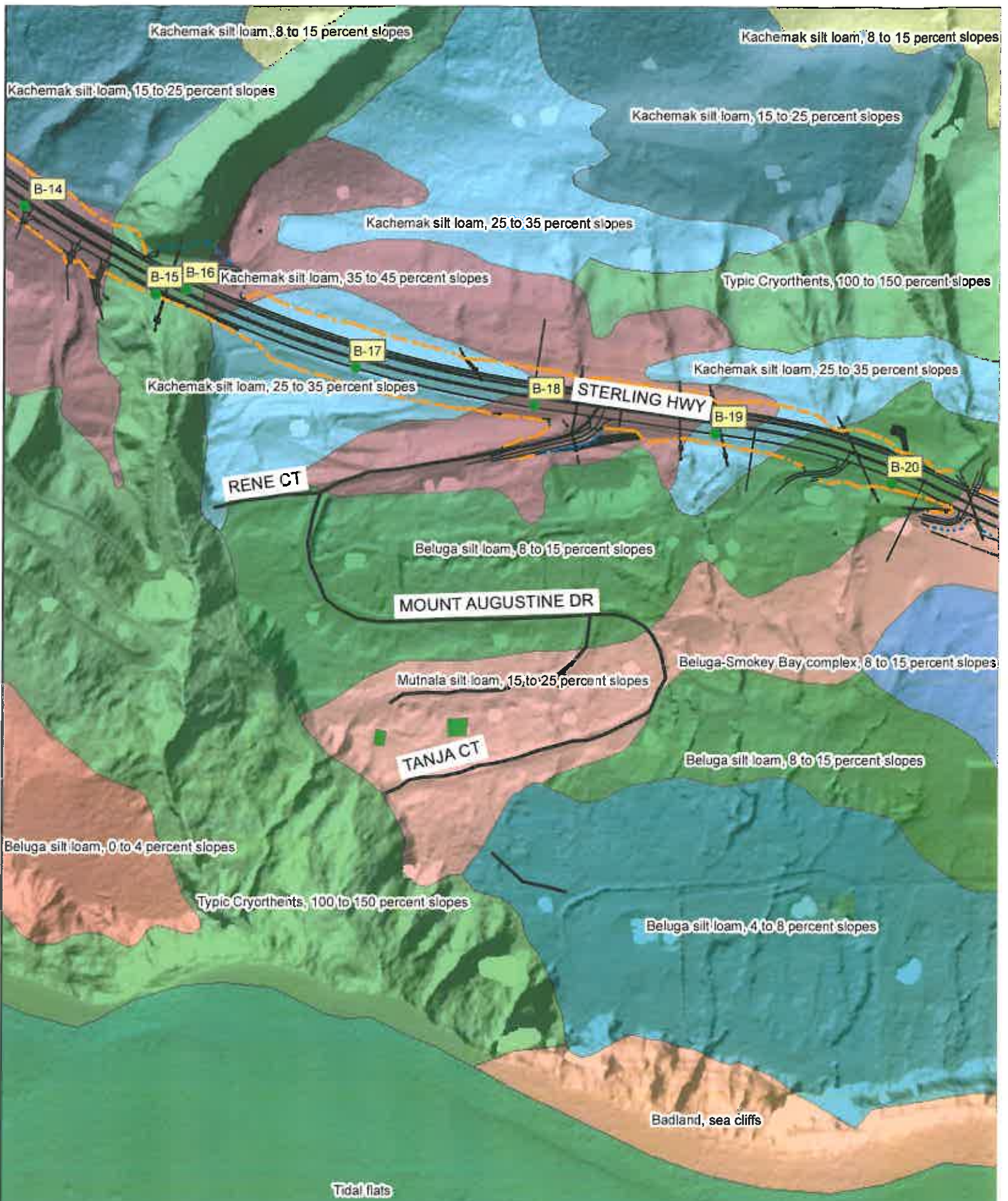
THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.1 Miles



Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet





Soil classifications from the
 United States Department of Agriculture
 Natural Resources Conservation Service

P.O. Box 957
Homer, Alaska 99603
January 20, 2015

Representative Paul Seaton
State Capitol Building
Juneau, Alaska 99801-1182

Dear Representative Seaton:

RE: Slope instability problem exacerbated by soil water saturation from Sterling Highway Alaska Department of Transportation drain outflow daylighting at Mt. Augustine Drive onto an open slope in the Baycrest subdivision residential neighborhood causing substantial damage to properties and diminishment of property values.

This letter is a follow up to our meeting on this matter on December 12, 2014. During that meeting I related that I had met with Homer City Manager Walt Wrede on October 30, 2014, and that he shared my concerns with the soil water saturation in the Baycrest neighborhood. He immediately had the Homer Public Works Department restore and improve the drainage ditches along Mt. Augustine Drive and Judy Rebecca Court in order to alleviate water saturation problems leading to property damages. This included two buildings having sonatube movement and numerous cracked windows. The property damage suffered by these two properties was a direct result of soil creep by poorly consolidated soils. The amount of creep is directly related to the amount of water content in the soil. Little can be done to enhance the soil's competency, but every effort possible needs to be extended in controlling the amount of water introduced into these soils. This would include run off water from the Sterling Highway.

The two most damaged properties are at 2345 Judy Rebecca Court owned by Scott and Carolyn Vanzant and 2405 Judy Rebecca Court owned by Ms Glenda Denton. To date they have spent more than \$45,000 in repairs and damage control. I have attached copies of newspaper articles from The Homer News dated November 5, November 12 and December 3, 2014 for background information.

My findings from field observations over the months of November and December, 2014 and historical weather data lead me to the conclusion that the Alaska Department of Transportation beehive collector drain located near the intersection of Mt. Augustine Drive and the Sterling Highway in the City of Homer is a major contributor to this problem of soil water saturation and soil creep that puts these properties at risk of further damage if not resolved. In addition, Homer Electric Association property, specifically power pole S2/23/6414 was nearly toppled when water runoff erosion exposed nearly four feet of the pole's base on December 8, 2014.

On November 28, 2014 I met with Mr. Carl High, the DOT maintenance and operations supervisor for the Kenai Peninsula. After my presentation, Mr. High agreed with my solution to re-establish the 1980's drainage route off the Sterling Highway following a course next to Mt Augustine Drive onto Rene Court and into the Libby Creek drainage. He also added that would all be on Homer City right of way and not a DOT project. I asked if it was not a DOT responsibility to deal with the runoff water from the Sterling Highway. His response was, "People make a mistake when they think runoff water from a State highway is State water."

Mr. High was shown a photo from the Homer News archives dated sometime in January, 2013 when the outside eastbound lane was badly damaged by Sterling Highway water runoff. I asked if it would not be a cost savings to the State if future runoff damage were prevented by correcting the drainage at the Mt Augustine Drive intersection. Mr. High replied that those repair costs were a minimal consideration given that DOT has many large scale erosion concerns such as at mile post 153 on the Sterling Highway.

It should be noted that the intersection of Mt. Augustine Drive and Judy Rebecca Court was actually closed due to being washed out during the same precipitation event and the damage was repaired at city expense.

I researched the precipitation data for December, 2012 and January, 2013 and found that 4.14 inches were recorded for that time period. That is not an excessive amount of precipitation and could easily occur again causing the State another expensive repair cost. My greater concern is the potential damage that could be caused by further soil water saturation from the Mt Augustine Drive drain outfall which is creating a hazardous condition by allowing surface water to be directed onto a residential neighborhood slope. This critical situation needs to be addressed in a most urgent manner before there is more property damage or persons are injured or killed as was the case in the Oso, Washington landslide in March, 2014.

The State of Alaska has a mandate to protect both persons and property. That mandate is contained in Alaska Administrative Order No 175. It specifically orders under the authority of Article II, Section 1 of the Alaska Constitution and AS 26.23.150 that "... all state agencies...shall to the maximum extent possible, preclude the uneconomic, hazardous, or unnecessary use of documented flood plains and erosion areas in conjunction with such development." It further states in paragraph 3, "State agencies responsible for the construction of buildings, structures, roads, or other facilities shall consider the potential of flood and erosion hazards. Consideration shall be given to setbacks, flood proofing, building elevation, and erosion control measures in flood and erosion prone areas."

The water flow volume at the Mt. Augustine Drive outfall culvert was measured from November 23, 2014 until December 29, 2014. The highest volume measured was 17,280 gallons per day on 12/14/2014, the lowest recorded water flow volume was 3,744 gallons per day on 11/30/2014. However, on 12/29/2014 the water flow volume was too great to obtain a measurement, but the Homer sewage treatment plant recorded 0.23 inches of precipitation in a 24 hour period. All of this outfall water is adding to an already precarious soil water saturation condition that needs to be resolved before soil creep becomes a slope failure. This very real hazard can be quickly resolved with a collaborative effort between the Alaska Department of Transportation and the City of Homer.

Thank you Representative Seaton for your years of public service and your effort in forwarding this matter to the Legislative Liaison office. Please contact me if I can be of assistance in this most urgent manner.

Respectfully,



Michael McCarthy
Retired Registered Geologist Oregon No. 611
(907) 235-5597

cc: Mr. Marvin Yoder acting Homer City Manager

Letters to the Editor

The Homer News welcomes original letters and attempts to print all that are relevant and conform to our guidelines. Letters may be edited for clarity, grammar, taste, potentially libelous language and length.

Letters should be limited to 300 words and must be signed and include a telephone number to verify authorship. Thank-you letters should limit the number of names that are mentioned. Deadline is 5 p.m. Monday. We prefer and will publish sooner letters submitted by e-mail at letters@homernews.com, but will accept letters that are faxed, mailed or hand delivered.

It's not just about the trees

A few weeks ago I came home from work to find my yard butchered by a city of Homer public works employee. I could not believe my eyes. Alder trees I had been growing for more than 10 years were in shreds and a beautiful little spruce tree that had been dug up when Islands and Oceans was built was cut in pieces. My yard was the only yard in the entire neighborhood that had been damaged to this extent.

When I called City Hall to ask why and how this could happen without prior notification, I was told they were in the right of way, and it was my responsibility to know about the limits. The city even went so far as to hire a surveyor to mark the boundaries (taxpayer expense) which was ridiculous since it's a well known fact there are no markers out here and this survey is a joke.

I and two other people paid to have this road built 30 years ago when I purchased this property. A few years later, four owners on my street chipped in again and one of the owners leased a grader and re-graveled the entire road at no expense to the city. Several years ago about 15 of the residents met with the city manager and were promised road maintenance. From that time the city has been responsible for the maintenance of two of the roads in the Baycrest Subdivision. The tree cuts were established at that time and we had no reason to believe the boundary lines had been changed.

I have been trying to get some straight answers from the city manager for more than a month now and all he does is tap dance around the real issue which is: Why wasn't I notified before cutting down these trees? Certainly I deserved some dialogue before driving up and discovering such a shocking display of my yard.

As far as I am concerned the director of public works needs to educate himself in regard to how vital the alders are to this area on the bluff. It is well known that the engineers who did a study on the erosion of the bluff in Homer determined the alders play a crucial role in keeping the soil and bluff in this area from eroding.

After learning that my neighbors had been contacted to tell me to back off, I went to City Hall for a meeting with the city manager, who assured me he would find out who made the calls. Since that time, the manager has not taken or returned any of my calls. He has totally cut off any communication with me. (The highest form of manipulation is non-communication.)

City Hall has destroyed my trees, my privacy, my yard, my relationship with my neighbors and my sense of security. I have a real fear of coming home from work and finding more devastation to my property. I was certainly naive to think I would receive any justification in this matter. Obviously the only person being protected is the loose cannon with the mentality of a 5-year-old who chopped down my yard.

I am almost 78 years old and have owned this property for 30 years. Surely I am due more respect than a dichotomy of stupid answers from a bunch of bullies, cowards and liars who are not men enough to come out and meet with me and discuss this matter in a reasonable and truthful manner.

Shirley Thompson

Play funny, thought provoking

I laughed harder than I have for months when I saw "We Won't Pay! We Won't Pay!" at Pier 1 Theatre on the Homer Spit. A friend said she couldn't stop laughing during the entire play.

See LETTERS, Page 5



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9-9-2010

VISITORS



Memorandum

TO: Mayor and City Council

FROM: Jenny Carroll, Special Projects & Communications Coordinator and the Economic Development Commission

THROUGH: Katie Koester, City Manager

DATE: January 17, 2018

SUBJECT: Presenting the Business Retention & Expansion Survey Report

The Economic Development Commission is pleased to provide to you their Business Retention & Expansion Survey Results report.

The EDC undertook this initiative in recognition of the importance of local business to Homer's economic health and resilience and with four primary goals:

- Develop and encourage communication with local businesses;
- Obtain business owners' perspectives and ideas on Homer's business environment;
- Identify business needs and concerns that may be addressed by the City;
- Develop strategies and actions that will support small business retention and expansion.

Launched in July of 2017 the survey was open until mid-October; 112 business owners participated in the 54-question survey; 22 of those also participated in a follow-up interview with Commissioners. While the response rate (at 7%) is too small a sample size to draw comprehensive conclusions about the local business environment, the EDC was very pleased with the response. The information provides good input to start building our local understanding, serves as an indicator of some business concerns and a basis for directions the EDC can pursue.

The report is intended to assist the EDC with assessing the business community and developing strategies to address current and future needs of local businesses for overall economic development in Homer. It would not have been possible without the many business owners who took the time to provide their feedback. We look forward to continuing the conversation with the business community, and with you as we develop actionable items.

The report is organized in three sections. The first section is a four-page executive overview of the results. The second section provides more detail and discussion of survey responses. The third section (which I have omitted from your packet for brevity's sake) is a copy of the survey. The full report including the survey questions can be found on the Economic Development webpage: <https://www.cityofhomer-ak.gov/edac>.



Business Retention & Expansion Survey Report

January 16, 2018
City of Homer Economic Development Commission

PROGRAM OVERVIEW

The City of Homer’s Economic Development Commission (EDC) conducted its first Business Retention & Expansion (BR&E) survey in 2017 with four primary goals:

- Develop and encourage communication with local businesses;
- Obtain business owners’ perspectives and ideas on Homer’s business environment;
- Identify business needs and concerns that may be addressed by the City;
- Develop strategies and actions that will continue to support small business retention and expansion.

The EDC’s BR&E initiative was motivated by the fact that local business’ commitment to community and the jobs they create are critical components of a strong economy. Working with existing businesses is also an effective way to foster economic growth. Studies show that up to 76% of job growth and local economic investment comes from existing businesses, especially in rural areas.

METHODOLOGY

The EDC developed the BR&E survey in the spring of 2017 after a review of online resources and with guidance from the Kenai Peninsula Economic Development District who had recently conducted a State-initiated BRE survey within the Kenai Peninsula Borough.

The EDC launched its 54-question survey on July 1, 2017 using an online Google Form survey platform. The survey period ended October 13, 2017. Paper copies of the survey were also available; the responses from paper surveys were entered manually into the Google survey form by EDC staff. A copy of the complete BR&E survey is provided in Appendix 1.

To promote the survey and gather broad business representation, postcard advertisements went out to 1,680 area business license and commercial fishing permit holders.

Notices with a QR code link were displayed at City of Homer reception areas (City Clerks, City Hall Main Desk, Port & Harbor Office and Public Library) and on the City of Homer Website.



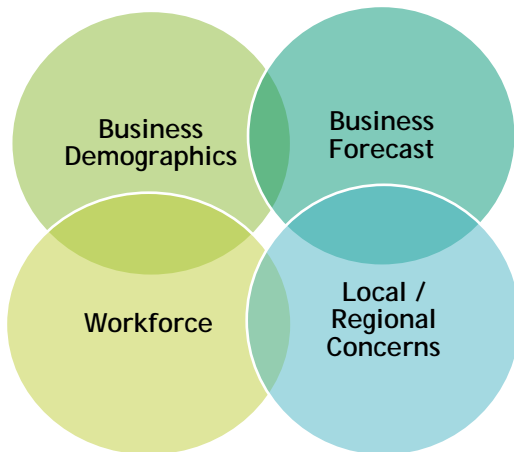
EDC Commissioners personally reached out to area businesses, distributed fliers to local businesses and bulletin boards and outreached to Rotary Clubs, the Homer Chamber of Commerce, Farm Bureau, Farmers Market, Board of Realtors, the Homer Marine Trades Association, National Pacific Fisherman’s Association, the Health & Wellness Coalition and Bed and Breakfast Association. The BR&E effort was also featured in the Homer News and Tribune, and on KBBI and the Radio Realty radio program.

112 BR&E surveys were completed. Twenty-two respondents (21%) requested a follow-up interview. While the response rate (at 7%) is too small a sample size to draw comprehensive conclusions about the local business environment, the information provides good input to start building our local understanding, serves as an indicator of some business concerns and a basis for directions the EDC can pursue.

EXECUTIVE SUMMARY

95% of the businesses that responded to the City of Homer's Business Retention & Expansion survey are locally owned and operated, with 80.4% located within City limits. While the EDC outreached to all business-license holders, and received feedback from 14 major industry types, 43% of respondents came from within the retail, tourism and arts & entertainment sectors. Some businesses reported they work across a couple industry categories.

Report Summarized in 4 KEY AREAS:



88% of survey respondents originally started their business in Homer. Quality of life and proximity to home were listed as the primary reasons for 54% of respondents starting or keeping their business in Homers. Homer's recreational and entertainment opportunities were named by 29% of respondents, followed by quality of schools and to be near extended family each at 11%. The majority of respondents started and continue their businesses in Homer because they are attracted here as a place to live.

Only 12% of respondents said they moved their already established business to Homer - on average 17 years ago and for many of the same reasons businesses started up in Homer, quality of life.

Of the businesses responding, 75% utilize help to operate their business, primarily employees on payroll and casual laborers. The vast majority of employers report hiring one to three full-time, part-time and/or seasonal employees.

Overall, 65% of respondents rated Homer as either a good or excellent [place to do business](#). 91% rated Homer as either a good or excellent [place to live](#).

Survey responses indicate increasing businesses activity overall. When asked to gauge change over the past three years, half the respondents reported increased numbers of customers and total revenues, with a quarter reporting no change and 18% reporting decreases. 40% reported an increase in profits in those three years. Businesses also reported a very slight increase overall in the number of employees in those three years.

Workforce issues emerged as a challenge for most businesses. 83% of businesses utilizing labor reported recruitment challenges, with poor work attitudes and inadequate labor skills cited most frequently. While fewer survey-takers reported retention challenges (53%), the highest ranking retention challenge matches recruitment challenge: poor work attitudes among labor force. Many of the employers responding to the survey indicated a need for a larger pool of better trained and more highly skilled local workforce and cited difficulty in finding and hiring professionals with highly specialized skills.

The EDC also wanted to hear business owner thoughts on what contributes positively to Homer's business climate, and other factors that impact local business retention and expansion. Although the BR&E survey respondents are only a small representation of the entire Homer-area business community, responses to several open-ended questions provide some insight into areas that the City and other government and business organizations might want to address as a starting place to improve business and economic development through the community.

The Commission based broad take-away themes on the assumption that the more frequently an answer came up, the more value it had to this group of respondents. Themes from these open-ended question responses are summarized on the following page. Less frequent responses and insights gained during interviews were also included in the EDC's discussions, leading to an initial list of topics the EDC proposes to begin their work to address business retention and expansion concerns.

MOST MENTIONED IDEAS TO IMPROVE BUSINESS CLIMATE/QUALITY OF LIFE IN HOMER:

10X	Walkable town with greenspace	•pedestrian-accessible town with trail connected business districts
7X	Town Appearance	•kept-up appearance, cleanliness and storefronts
7X	Environmental Efforts	•protect land and water resources; develop alternative energy

MOST MENTIONED IDEAS TO MAKE IT EASIER TO EXPAND OR KEEP BUSINESS IN HOMER:

10X	Less or Stable Taxes	•tax burden topped a longer list of costs of doing business that impact area businesses
10X	Good Labor Pool	•access to a good labor supply was mentioned as frequently as tax rates
7X	Pro-Business City Policies	•City take into account the implications of ordinances and permitting procedures for business

MOST MENTIONED SUGGESTIONS FOR CITY OF HOMER INFRASTRUCTURE & SERVICES:

7X	Keep boat/marine business in Homer	•affordable harbor; large vessel harbor & haul out; fish processing incentives
7X	Improve or Control Gov't Regulation	•better sign ordinance, building codes for safety and appearance; consistent enforcement
7X	Road quality & transportation infrastructure	•more paved roads, intersection sight lines, strategic crosswalks; paved Spit parking

EDC Proposed Action Items

Local business concerns the EDC proposes to work on in short-term:

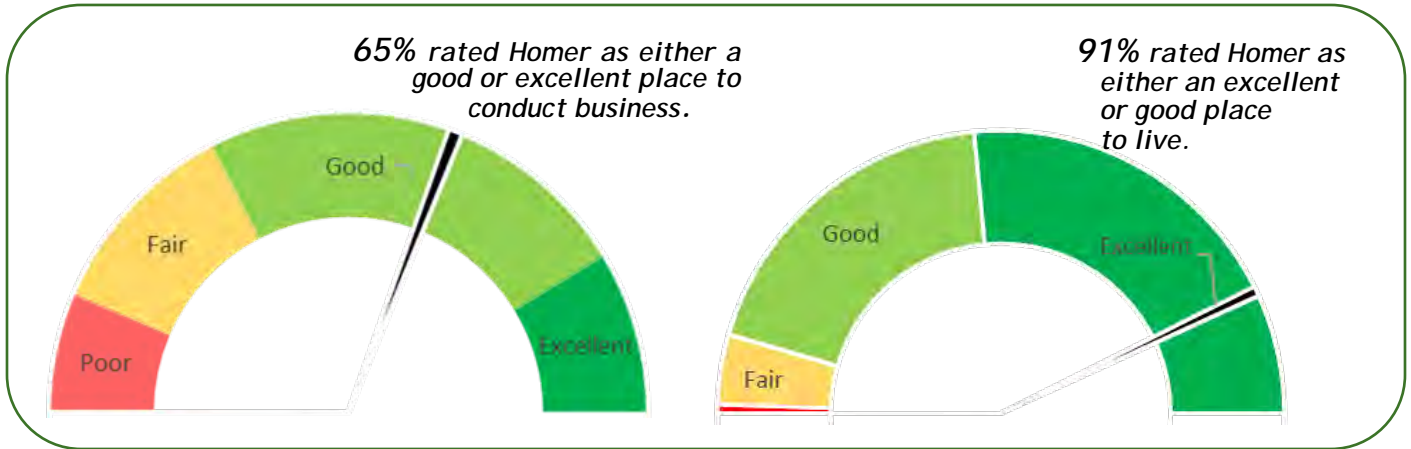
- ✓ Clarify specific City regulatory barriers in the areas of zoning options and the permit process, sign ordinance (particularly in regard to several businesses co-located in one building) and lease policy and procedure -- while keeping safety, town appearance and quality of life elements in the balance;
- ✓ Explore public-private partnership to create a master plan for a more vibrant, commercial central commercial district with attention to appearance, trail connections, way-finding, arts, wi-fi zone, etc.
- ✓ Support efforts to develop large vessel haul-out;
- ✓ Share survey results with other organizations/government units engaged more directly in the issues as a catalyst for solutions;
- ✓ Educate ourselves and others about the actual scope of City government reach in the various challenges brought out by the survey and connect individual business owners with information about the organizations and resources available for to address concerns and for business assistance.

Longer-term issues that cut across many businesses and require various stakeholder involvement in both strategy development and implementation:

- ✓ Explore City participation in coordinated public-private initiatives to recruit workforce;
- ✓ Support large vessel harbor development with attention to competitive rates and multi-use Spit management.

HIGHLIGHTS

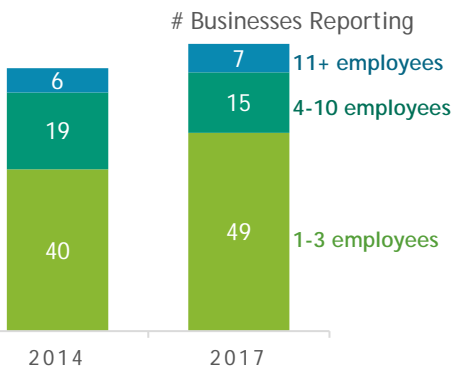
SATISFACTION WITH HOMER



WORKFORCE

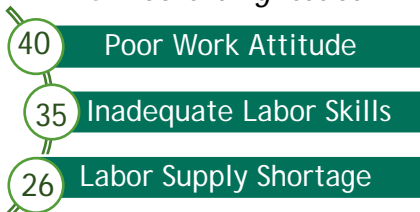
STABLE HIRING

From the data collected, hiring has been relatively stable over last three years.



73% reported challenges with recruiting employees for positions.

Top recruiting issues:

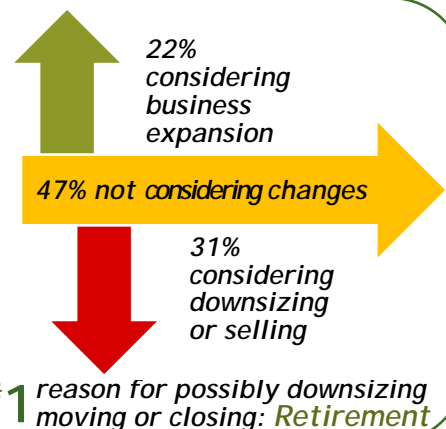


LOCAL ISSUES - WHAT WE HEARD

1. Maintaining the quality of life elements in Homer that attract residents, especially young families as well as visitors is important to improving the business climate.
2. Keeping the cost of doing business down, including limiting tax burden, improving the quality of the local workforce and access to a skilled labor increase the odds that local businesses will succeed.
3. Local government needs to have the reputation of responding to local business needs through review of zoning, sign ordinance, and other regulations. Consistent enforcement also helps business.
4. Infrastructure to support our economy includes an affordable harbor with expanded infrastructure to support marine industry, including shipping, a large vessel haul-out and harbor. Road infrastructure and traffic planning is also important.

BUSINESS FORECAST

Over Past Three Years:

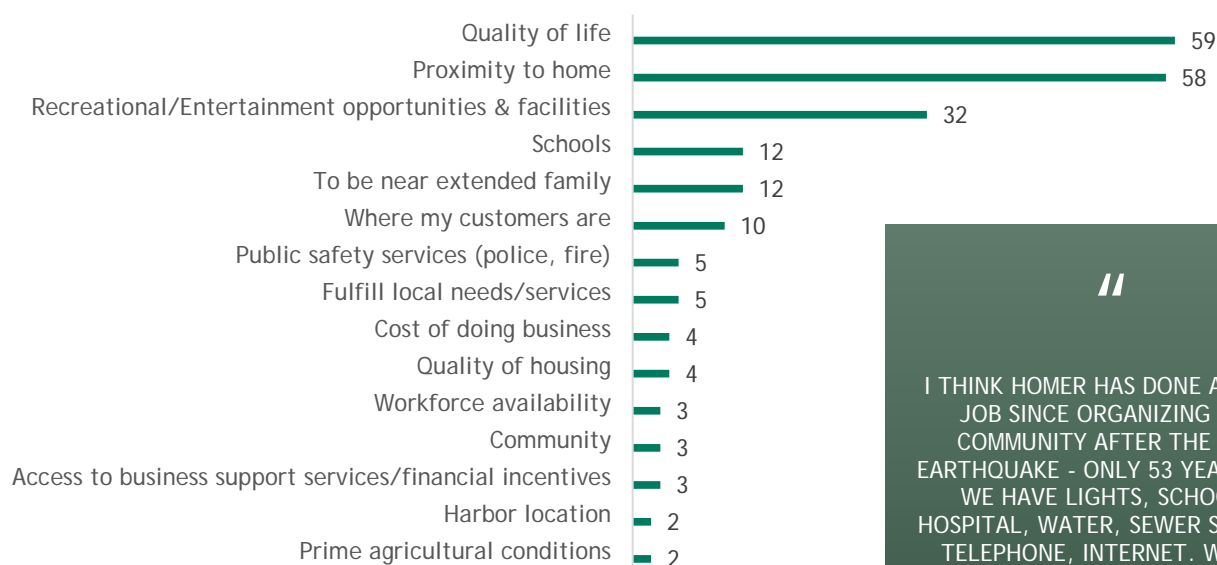


SURVEY RESULTS AND DISCUSSION

BUSINESS CLIMATE / QUALITY OF LIFE CONSIDERATIONS

88% respondents originally started their business in Homer. Quality of life and proximity to home topped the chart for the primary reasons respondents started or keep their business in Homer, each being mentioned by 54% of the respondents. Homer’s recreational and entertainment opportunities were named by 29% of respondents, followed next by schools and to be near extended family each at 11% of respondents.

Primary Reason You Started or Keep Your Business in Homer



“ I THINK HOMER HAS DONE A GREAT JOB SINCE ORGANIZING AS A COMMUNITY AFTER THE 1964 EARTHQUAKE - ONLY 53 YEARS AGO. WE HAVE LIGHTS, SCHOOLS, HOSPITAL, WATER, SEWER STREETS, TELEPHONE, INTERNET. WE ARE JUST GETTING STARTED. MAKE GOOD LONG RANGE CHOICES TO IMPROVE INFRASTRUCTURE. CELEBRATE AND SUPPORT THE VOLUNTEER SPIRIT THAT BUILT HOMER.

This indicates that respondents started and continue their businesses in Homer because Homer is a place they are attracted to as a place to live. 12% of respondents moved their already established business to Homer – on average 17 years ago – and for many of the same reasons businesses started up in Homer, related to quality of life.

Correspondingly, the top three recommendations to improve business climate/quality of life in Homer were accessible, walkable town with greenspace, town appearance and environmental efforts to protect land & water resources, keep clean air and views and to promote alternative energy options.

Pioneer Avenue has been the focus of revitalization efforts recently, and it was mentioned several times in the survey with suggestions to make it a more vibrant commercial zone through appearance, better walkability with connections to other business districts in Homer, and curb cuts that are aligned with business parking lots. The EDC will explore participating in a private-public partnership to develop a master plan that strengthens Homer’s central commercial districts.

A traditional business consideration such as “where my customers are” was only mentioned by 9% of the respondents; cost of doing business, workforce availability and access to business support services were only mentioned on average 4% of the time. This points to some of the challenges of doing business in Homer.



FACTORS THAT WOULD MAKE IT EASIER FOR YOU TO KEEP OR EXPAND YOUR BUSINESS IN HOMER

When asked what would make it easier for businesses to stay in Homer or expand, the costs of doing business and improvements to the labor pool topped the list of responses. Local workforce challenges are detailed on page 7. In looking at the costs of doing business, lowered or at least stable sales tax was mentioned most often. Tax burden concerns included keeping Homer goods and services competitive in light of no sales tax in Anchorage, and the uncertainty around the potential for new taxes proposed by the Borough and/or the State. Other respondents advocated for a bed or seasonal tax to take some tax pressure off local residents, with another advocating for a bed tax for funds to expand marketing and visitor services here.

Other affordability concerns included energy and utilities, materials shipping, commercial lease/rental rates and childcare costs. Labor costs were also mentioned as a business expansion challenge by some respondents, specifically the challenge of keeping up with health care costs and wage rates necessary due to a lack of affordable housing, affordable childcare options and high cost of goods and services.

Making the 'regulatory environment' more conducive for business establishment and/or expansion ranked third in the responses. A variety of City regulations were referenced by respondents. Many mentioned zoning limitations--particularly that Homer would benefit from expanding the General Commercial 1 (GC1) District to support manufacturing or retail trade businesses requiring a larger footprint. One respondent suggested that the lack of available commercial real estate keeps commercial property values artificially high; another pointed out that tax revenues would increase with expanded commercial property.

Signage was mentioned by several respondents. Some are dissatisfied with the City's sign regulations as it contributes to difficulty in marketing their business and they in turn advocated for less restrictions in their responses. An equal number of respondents advocated for stricter enforcement of the current sign ordinance as it relates to town appearance. Other comments more generically pointed to making City codes, policies and procedures and customer service more businesses-friendly, with specific efforts to minimize red tape.

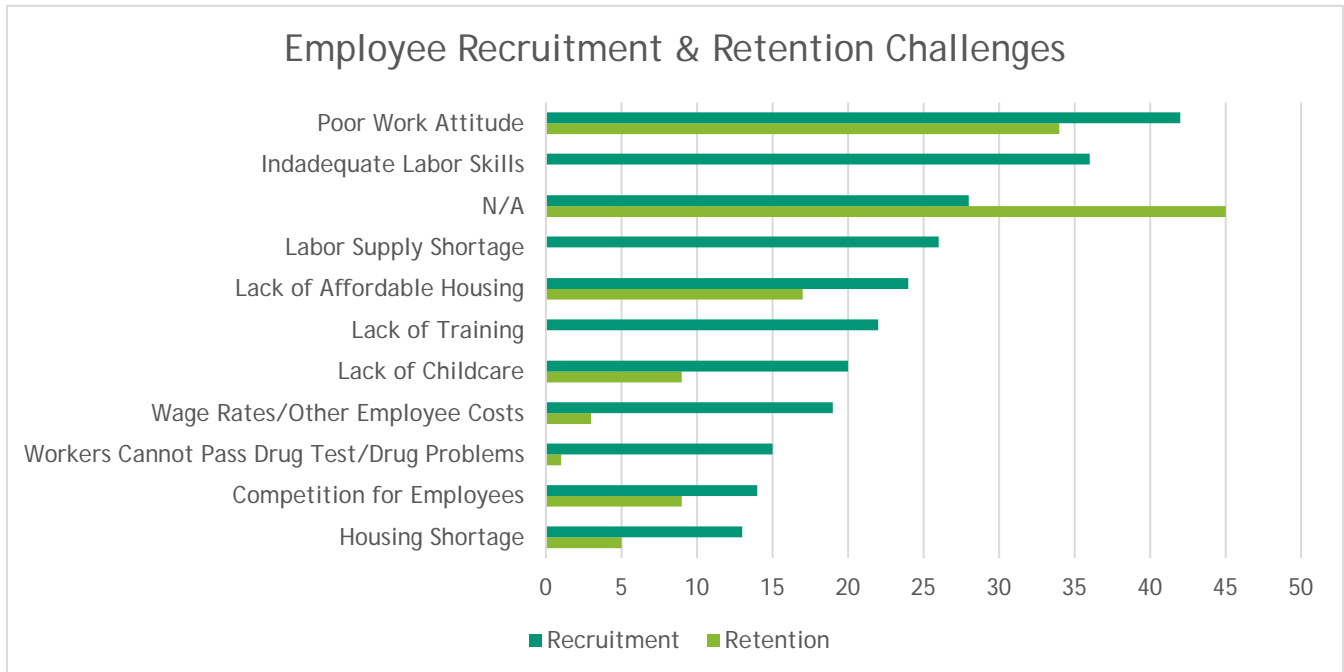
As a result, the EDC proposes to conduct follow-up research to clarify City regulatory barriers and work with other advisory commissions and City staff on concerns cited by respondents. Areas of inquiry will include zoning options and the permit process, sign ordinance (particularly in regard to several businesses co-located in one building) and lease policy and procedure – while keeping safety, town appearance and quality of life elements in the balance. These areas were moderately expressed as a concern and could become more of a concern in future years as Homer's business community continues to grow.

Survey-takers said that increasing Homer's year-round consumer base was important for the long-term health of the community and business retention and expansion. Responses suggested that the community, the workforce, and business development and succession would benefit from a larger year-round resident population with more young families and professionals. Several businesses also mentioned that more visitors in Homer in the slower shoulder and winter seasons would create the ability to expand into more year-round business.

One of the EDC's longer-term recommendations is exploring how the City might participate in a coordinated public-private workforce recruitment initiative, perhaps as part of a general workforce development effort within the community and across the region.

WORKFORCE

83% of the businesses utilizing labor reported recruitment challenges. Many businesses reported problems recruiting qualified employees from the Homer area and difficulty attracting specialized, skilled employees from outside the area. The most cited recruitment challenges included applicants' poor work attitude and not meeting necessary qualifications. Other challenges cited include the area's limited labor pool, and the gap between local wages and the costs of living. A larger supply of better trained workers was also one of the two top responses to the survey question asking what factors would make it easier for respondents to keep or expand business interests in Homer.



While fewer survey-takers reported retention challenges, the highest ranking retention challenge is similar: poor work attitudes among the labor force. While some comments pointed to structural challenges to retention like seasonality of commerce and an abundance of non-career jobs in Homer, most cited a need for a larger pool of better trained, more skilled local workers and employees more committed to training and advancing their skills once on the job.

SUGGESTED STRATEGIES: WORKFORCE EDUCATION

- Better life skills/character building lessons taught by parents and schools
- Stronger partnerships among city, borough and state governments, private sector and schools to provide career education/work skills development opportunities and challenge Homer's youth to higher achievement.

“

THERE COULD BE BETTER CAREER TRAINING IN HOMER TO FILL ENTRY LEVEL POSITIONS IN TOWN WITH LOCALS WHO WANT TO LIVE AND MATURE HERE.

One proposed EDC action item is to explore City participation in a coordinated public-private initiative to recruit a skilled workforce; another is to share information about local vocational training initiatives, and to share information with the high school, community college, Borough and State regarding the need for programs to address local workforce development needs.

A shortage in labor supply ranked as the third highest recruitment challenge. Looking ahead, Homer's aging population is likely to add to the labor supply challenges. Alaska's senior population growth rate is one of the fastest in the nation: the number of Alaskans age 65 or older more than doubled between 2000 and 2016. (Alaska Economic Trends Dec 2017). On the Kenai Peninsula specifically, population projections to 2042 show a decrease in the Borough's economically active population, from the current 60% to 52% of all residents, even as the total number of residents will increase slightly. (KPB Comprehensive Economic Development Strategy, 2016 p14.)

Additionally, population projections provided by the Alaska Department of Labor and Workforce Development suggest that in coming decades' population growth on the Kenai Peninsula will be fueled more by net migration (people moving to and from the area) than by natural increases (birth and death rates). "Over time, the Borough's workforce will increasingly rely on work-age individuals relocating to the region rather than births, putting an additional pressure on a small labor market." (KPB Comprehensive Economic Development Strategy 2016 p13.)

SUGGESTED STRATEGIES: RECRUITMENT

- Attract more young professionals and year-round residents with high quality of life, accessible healthcare, and recreational activities
- Lower cost of living; availability of affordable housing and childcare
- Affordable health care
- Ensure internet connectivity to allow for remote work from Homer

//
FOCUS ON INFRASTRUCTURE AND PROGRAMS THAT ATTRACT EDUCATED YOUNG FAMILIES WITH SKILLS TO THE COMMUNITY.

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AFFORDABLE HOUSING AND CHILDCARE

EMPLOYEE TRAINING

Many of the respondents indicated that they provide training to employees to augment skills in some areas. 86% of respondents perform in-house or on-the-job training (86%). 20% of respondents conduct employee training through self-taught instruction utilizing manuals/videos, etc., 13% send employees to workshops, 11% take advantage of distance learning, and 7% utilize apprenticeships. 6% mentioned contracting with private or public vendors like the college as part of their employee training program.

Only 25% of respondents indicated that their business would benefit from local training opportunities. Top priorities included general workforce development and training in vocational-technical fields.

SUGGESTED TYPES OF EMPLOYEE TRAINING NEEDED

- Workforce development in vocational-technical fields such as marine trades, industrial sewing, etc.
- Basic computer, computer specialties and networking
- General job readiness/social/ life skills such as parenting classes, customer service, basic computer, cash handling, accountability and work ethics
- Help with how a business can conduct mentorships / job training apprenticeship program
- Food safety
- Master gardener classes

CITY SERVICES AND INFRASTRUCTURE

The City provides infrastructure and associated services in support of the business community. The survey asked what specific City services would improve business operations. One of the common suggestions was to keep boat and marine industry business in Homer. These comments recognize Homer's Port and Harbor as an economic asset with the potential for it to play a bigger role in supporting marine and commercial fishing industry. Comments addressed both the desire to support expanded infrastructure (large vessel haul out and large vessel harbor), and the need to keep rates competitive.

The other most common infrastructure responses mentioned roads and other transportation infrastructure. These included paving more roads and paving parking lots on the Spit; maintenance for clear lines of sight at intersections, and addition of crosswalks and street lights where needed. Some comments also stressed the importance for City leaders to carefully consider traffic patterns for safe and efficient flow as they look to develop facilities or zone for future development.

The third most common category of comments, again, regarded City codes. Many commented that the City should take steps to improve town appearance, encourage good building practices and building safety. Zoning and sign code inadequacies were mentioned as well. Some were dissatisfied with the sign ordinance, while others supported increased enforcement, citing town appearance concerns.

SUGGESTED STRATEGIES:

- Address zoning limitations
- Ensure strong City leadership for long-term planning and management of infrastructure (streets, traffic flow, drainage)
- Clean up and improve the town appearance and provide an accessible and walkable town with greenspace
- Promote efforts that improve and protect the local natural environment

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IT'S ALL ABOUT ZONING FOR YOUNG AND NEW BUSINESSES...THE CITY SHOULD ATTEMPT TO EXPAND REVENUE... BY EXPANDING COMMERCIAL ZONING...AND CREATING NEW COMMERCIAL SPACES.

A few comments encouraged the City (and other large businesses like hospital, hotels, etc.) to prioritize buying local and using local services. Increasing local purchases by businesses is a common strategy to strengthen the economy. 41% of survey participants reported that they purchased "a little" (from 1-39%) of their supplies, raw materials and services within Homer; only 27% said they purchased most (80-100%) of their supplies locally.

Price and availability were the overwhelming factors that influenced where surveyed businesses made their purchases. Shipping costs and local taxes make it challenging for local price competitiveness, especially given tax-free and at times free shipping by major online retailers.

Other comments encouraged City leadership to look at ways to get freight moving across Homer docks to decrease shipping costs, as well as developing incentives that welcomed and nurtured industry and manufacturing.

The EDC's second long-term goal will be to look for ways it can play a role in supporting the large vessel harbor expansion, with attention to competitive rates and multi-use Spit management.

BOROUGH AND STATE SERVICES

When asked what specific Borough and State services would improve business operations, answers varied widely.

Several mentioned access to business capital through small business loans, grants or other investments in assisting business start-ups.

Supporting the school district and university system was also mentioned.

Legislative action is another factor that affects businesses. Several participating businesses anticipate legislative changes will impact their current business operation – responses focused largely on finding a sustainable solution to the State’s fiscal crisis. While participants did not all agree on the exact actions to reach a solution, many did agree that not finding a solution will negatively impact their current business operation.



MEETING THE NEEDS OF THE SCHOOLS WOULD IMPROVE LIFE IN HOMER AND IMPROVE OUR BUSINESS.

THE SCHOOL BUS SYSTEM IS A MAJOR CONCERN TO PARENTS WHO ARE EMPLOYEES.

INCREASE SMALL BUSINESS LOANS AND GRANT OPPORTUNITIES FOR START UPS.

PRIVATE SECTOR SERVICES NEEDED

Suggestions included warehousing and other services to support regular shipping to Homer; large vessel haul-out; IT support services; large general merchandise/grocery store and a conference or convention/hotel facility.

BUSINESS OUTLOOK

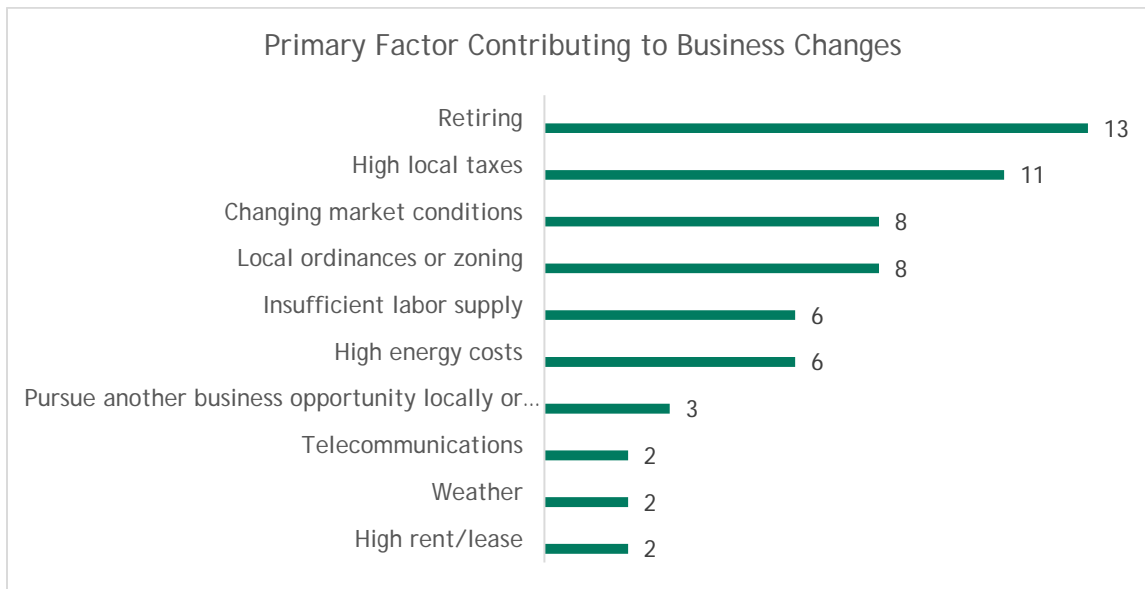
Survey responses indicate that businesses activity has been increasing. When asked to gauge change over the past three years, half the respondents reported increased total revenues and numbers of customers, while only a quarter reported no change and 18% reported decreases. 40% reported an increase in profits in those three years, with only a very slight increases reported overall in number of employees.

The EDC recognizes that the last three years coincide with the State’s dramatic economic downturn. From a local economic perspective, it is encouraging that half the reported increased customers and revenues. This perhaps is a positive result of Homer’s relatively diverse economy.

93 survey takers responded to whether they are currently considering changes to their business:

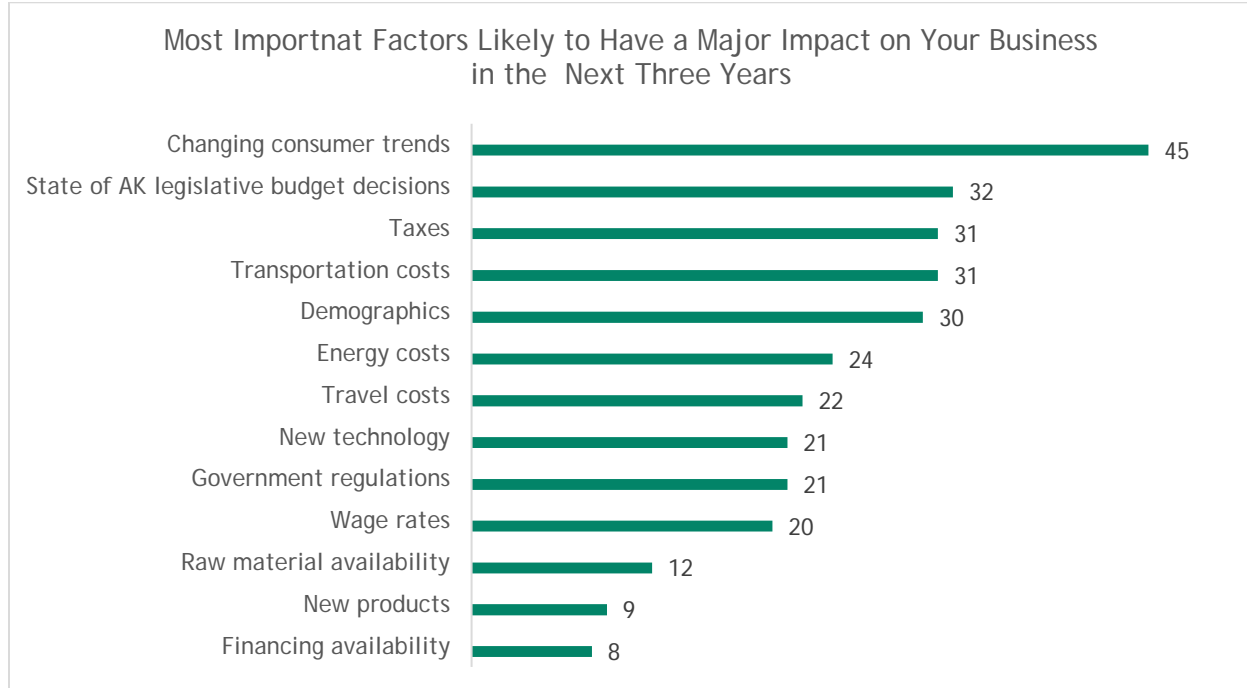


Another positive signal is that 38% of businesses participating are not considering changes with another 18% considering expansion. 44% are considering downsizing, closing or selling, though, which is a concern. The following were listed as contributing factors:



Retirement is the most frequently mentioned reason for closing a business. High taxes ranked second.

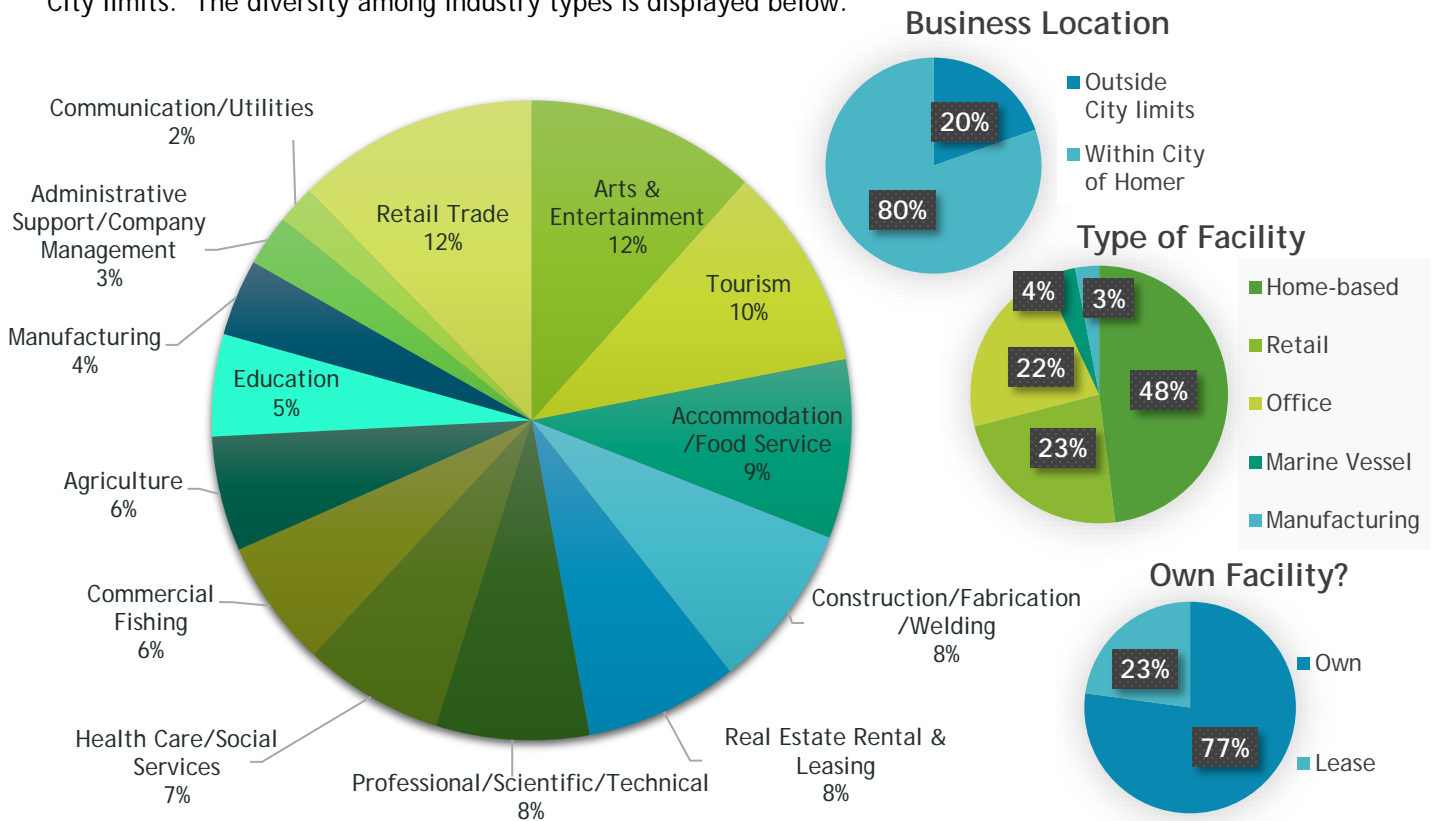
When asked the most important factors likely to have a major impact on your business in the next three years, 104 survey takers responded:



Changing consumer trends outpaced all the other factors, followed by the uncertainty of State budget decisions in its potential to impact future business.

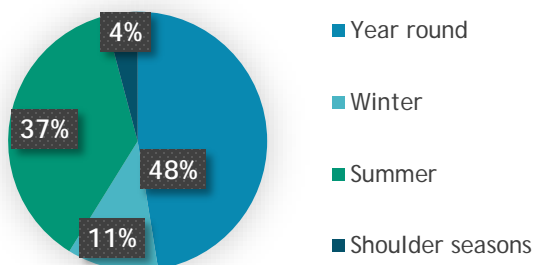
BUSINESS DEMOGRAPHICS

95% of the businesses that responded to the survey are locally owned and operated, with 80.4% located within City limits. The diversity among industry types is displayed below.

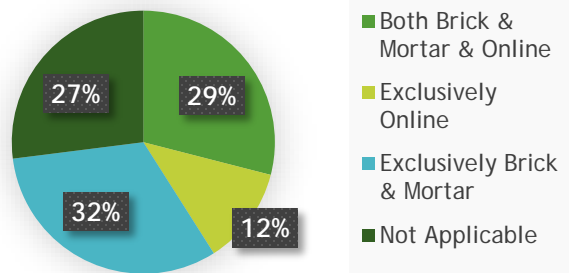


While the majority of respondents came from within the retail, tourism and arts & entertainment sectors, the survey successfully reached participants from many sectors. Some businesses reported they work across a couple industry categories, leading to 181 industries listed. For instance, a business that is in the Arts & Entertainment category may also sell retail goods or provide a separate but related service such as accommodation.

When do you do most of your business?



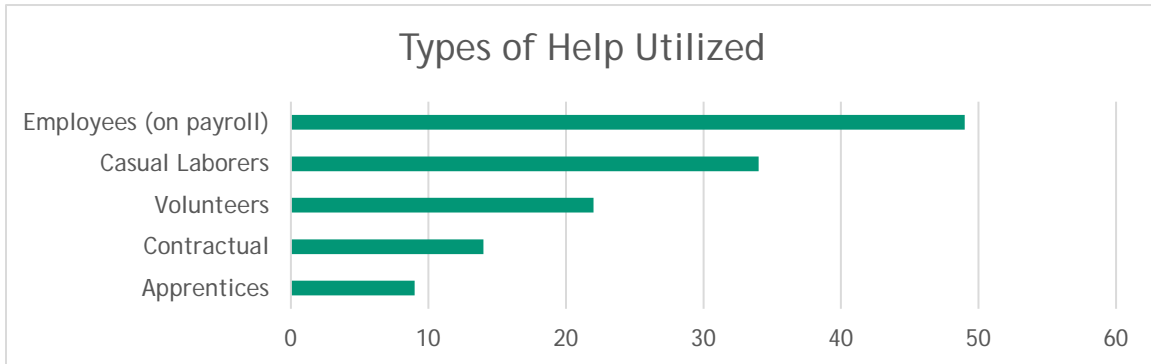
How business sales/services are made:



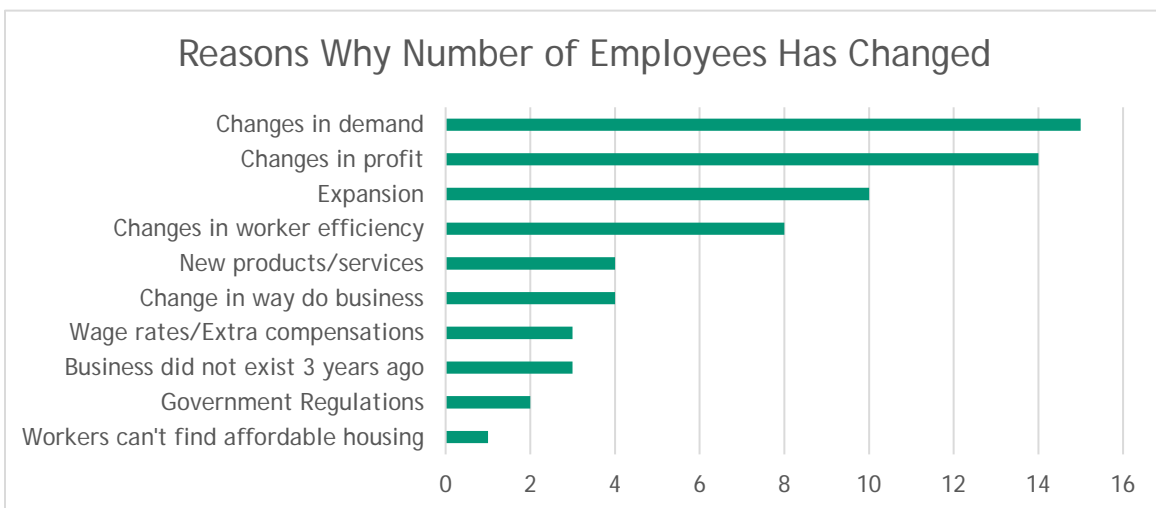
The average responding business has been operating for 24 years. The oldest establishments have been operating in Homer for just over 50 years and the newest less than 1 year. Of the businesses responding, the vast majority reported employing one to three full time, part time and/or seasonal employees. This number is consistent the predominance of small businesses in Homer.

Employment

75% of respondents said they currently or in the last three years utilized help to operate their business.



The survey shows that local businesses are generating jobs. 62% report they currently hire 1-3 full time employees; 27% hire 4-10 full time employees and 9% have 11+ full time employees. Of the businesses that hire part time employees, 49% hire 1-3 part-time employees. When asked how the number of employees has changed over the past three years, the notable changes were that the number of businesses with 1-3 employees increased from 40 to 49 in that time while the number of businesses with 4-10 employees decreased in that time from 19 to 15.



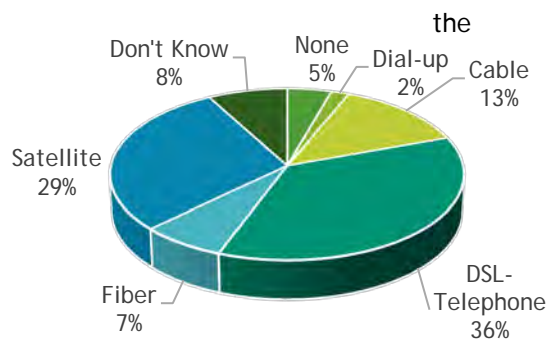
Businesses were asked to report all marketing channels used so multiple responses were recorded. 80% of participating businesses rely on word of mouth as the means to market their goods and services; digital online advertising ranked as the second most frequently used method. 73% of respondents have or advertise on social media and a business website, whether the site is specifically developed for the business or on third party websites like Trip Advisor, Craigslist and VRBO. The main reasons respondents gave for not having a website included: No need (48%), Time commitment (28%), Cost (12%), No IT support (12%). The majority of respondents (73%) shared advertising expenses with other businesses for the promotion of their business.

Internet infrastructure has often been identified as a challenging factor for economic development in Alaska. It was identified as a key economic development point, both for businesses and for schools, in the Kenai Peninsula 2016-2021 Comprehensive Economic Development Strategy developed by the Kenai Peninsula Economic Development District.

In the BR&E survey, 55% of respondents were satisfied with their internet access. Intermittent slow speeds and unreliable or intermittent connection were the most mentioned concerns about internet for business use. Cell phone dead zones were an issue for 46% of participants.

Only a small percentage, 7% of respondents, said they sell their products and/or services exclusively online. 25% reported sales from both a storefront and online. Businesses that participated in both were asked their percentages of sales conducted exclusively online. 36% said online sales accounted for 1-30% of sales, while another 32% said online sales accounted for anywhere from 31% to 90%.

Internet Service Type



Acknowledgments: This report is intended to assist the City of Homer Economic Development Commission (EDC) with assessing the business community and developing strategies to address current and future needs of local businesses for overall economic development in Homer. It would not be possible without the many business owners who took the time to provide their feedback. We look forward to continuing the conversation! Finally, the EDC extends a special thanks to the City of Homer for financial support of our BR&E outreach.

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

Ordinances 18-01 through 18-05

A **public hearing** is scheduled for **Monday, January 22, 2018** 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 18-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of Homer Permanent Fund Assets. City Manager/Finance Director.

Ordinance 18-02, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility. City Manager.

Ordinance 18-03, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/ Port and Harbor Director.

Ordinance 18-04, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define "Employee-Occupied Recreational Vehicles"; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith.

Ordinance 18-05, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager.

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

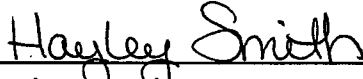
** Copies of proposed Ordinances in entirety, are available for review online at <https://www.cityofhomer-ak.gov/ordinances>, at the Homer City Clerk's Office, and the Homer Public Library. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us

Melissa Jacobsen, MMC, City Clerk
Publish: Homer News January 18, 2018

CLERK'S AFFIDAVIT OF POSTING

I, Hayley Smith, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 18-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of Homer Permanent Fund Assets. City Manager/Finance Director, **Ordinance 18-02**, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility. City Manager, **Ordinance 18-03**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/ Port and Harbor Director, **Ordinance 18-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define "Employee-Occupied Recreational Vehicles"; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith, and **Ordinance 18-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager, was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, January 12th, 2018 and posted the same on City of Homer Website on Friday, January 12th, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 12th day of January, 2018.



Hayley Smith, Deputy City Clerk

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-01

Ordinance 18-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of Homer Permanent Fund Assets.

Sponsor: City Manager/Finance Director

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-009 from Finance Director as backup
2. Council Regular Meeting January 22, 2018 Public Hearing and Second Reading
 - a. Memorandum 18-009 from Finance Director as backup

- 44 6. Uncollateralized deposits at banks and savings and loan associations, to the extent that
45 the deposits are insured by the Federal Deposit Insurance Corporation (FDIC) or the
46 Federal Savings and Loan Insurance Corporation – ~~three~~ **five** years;
47
- 48 7. Taxable bonds or notes which are issued by any state or political subdivision thereof,
49 and which are graded AA or higher by Moody’s Investor’s Service, Inc., or Standard and
50 Poor’s Corporation – ~~three~~ **five** years;
51
- 52 8. Commercial paper graded A1 or higher by Moody’s Investor’s Service, Inc., or P1 or higher
53 by Standard and Poor’s Corporation – 270 days;
54
- 55 9. Bankers’ acceptances offered by banks rated at least “AA” by Moody’s or Standard and
56 Poor’s;
57
- 58 10. Money market mutual funds whose portfolios consist entirely of instruments specified
59 in subsections (a)(1), (2) and (3) of this section – with net asset value of \$1.00.
60

61 Section 2. Section 3.10.130 Governance of Homer permanent fund assets is hereby
62 repealed.
63

64 ~~3.10.130 Governance of Homer permanent fund assets.~~

65 ~~a. In investing and managing the monies of the permanent fund established pursuant to Chapter~~
66 ~~3.12 HCC, the persons having responsibility for making decisions shall exercise the judgment and~~
67 ~~care under the circumstances then prevailing which an institutional investor of ordinary~~
68 ~~prudence, discretion, and intelligence exercises in the management of large investments~~
69 ~~entrusted to it, not in regard to speculation, but in regard to the long term investment of funds~~
70 ~~considering the probable safety of capital as well as probable income, in accordance with the~~
71 ~~stated objectives of the permanent fund.~~
72

73 ~~b. In order to ensure sound investment strategy, the City Council will take action in the following~~
74 ~~manner:~~

75 ~~1. The City Council shall establish written investment policies by resolution which shall be~~
76 ~~adhered to without exception;~~
77

78 ~~2. The City Council shall review the investment policies of the permanent fund at least~~
79 ~~once each year during the first quarter and shall, by resolution, re-adopt or modify said~~
80 ~~policies;~~
81

82 ~~3. The City Council shall establish, by resolution, a plan for the allocation of investment~~
83 ~~assets each year that provides for the following:~~

84 ~~a. That earnings available for annual appropriation and distribution shall be~~
85 ~~confined to the interest, dividends or coupon discounts derived from the~~

86 ~~investments of the fund. Realized or unrealized gains to the portfolio value are not~~
87 ~~considered earnings.~~

88 ~~b. The portfolio of the growth sub-fund will be invested primarily in equities, and is~~
89 ~~exempt from HCC 3.10.040.~~

90 ~~c. The portfolio of the income sub-fund will be invested primarily in bonds and the~~
91 ~~other fixed rate securities authorized by HCC 3.10.040.~~

92 ~~d. The income sub-fund may be used as a revolving loan fund for various City~~
93 ~~capital projects as provided in Chapter 3.12 HCC.~~

94 ~~e. That states portfolio duration, performance benchmarks, and the estimated~~
95 ~~percentage or amount of that year's earnings that would be necessary to retain to~~
96 ~~inflation proof the fund principal;~~

97 ~~4. The City administration shall maintain on file within the offices of the Finance~~
98 ~~Department monthly reports which indicate transactions affecting the investment~~
99 ~~account, to include, at a minimum, transfers of cash into and out of the account, and~~
100 ~~interest or dividends received by the account;~~

101
102 ~~5. The City administration shall order an objective performance evaluation of the~~
103 ~~investment program every year;~~

104
105 ~~6. The City administration shall retain one or more bank custodians to hold all investment~~
106 ~~cash and fixed income securities of the permanent fund and require that the custodians~~
107 ~~shall render monthly reports to the administration regarding assets held at both book and~~
108 ~~market values, and individual transactions which have taken place, that the banks shall~~
109 ~~have adequate fidelity insurance, and that written contracts be entered into between the~~
110 ~~City and the custodian banks.~~

111
112 Section 3. This ordinance is of a permanent and general character and shall be included in
113 City Code.

114
115 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, by the Homer City Council this ____ day of
116 _____, 2018.

117
118
119 CITY OF HOMER

120
121
122 _____
123 BRYAN ZAK, MAYOR

124 ATTEST:

125
126
127 _____

128 MELISSA JACOBSEN, MMC, CITY CLERK

129

130 YES:

131 NO:

132 ABSTAIN:

133 ABSENT:

134

135 First Reading:

136 Public Hearing:

137 Second Reading:

138 Effective Date:

139

140 Reviewed and approved as to form:

141

142 _____

143 Mary K. Koester, City Manager

144

145 Date: _____

Holly Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 18-009

TO: Mayor Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: January 2, 2018
SUBJECT: City of Homer Investment Policy

The purpose of this memo is to discuss the current investment policy for the City of Homer.

Brief Overview:

The investment policy for the City of Homer has not been substantially modified since 1993. Over this period of time, industry norms have changed and, thus, our policies need to reflect this change.

Upon speaking with our investment partners, it was identified that one of the greatest weaknesses in our investment policy is our term of maturity. The industry standard for maturity length is now 5 years, not 3 years (as we have it now).

It is my recommendation as Finance Director, to modify the investment policy so that the City of Homer's policy is more in line with other local governments. Given the tight constraints the City is under due to our conservative nature, it would be of great benefit to be able to invest in securities with a longer maturity date. With proper due diligence, the City stands to profit more from investment instruments with a longer maturity date. There will be no obligation to only purchase instruments with this longer maturity date, however it allows for the flexibility to better position our investment portfolio. The City's portfolio will be staggered throughout the five year time horizon.

There is no need to modify our list of approved investment instruments, as these currently match other local governments.

The other change the ordinance makes is repealing HCC 3.10.130, Governance of Homer permanent fund assets, as the permanent fund no longer exists. This section of code is left over from when the Permanent Fund was active and is a cleanup measure.

Recommendation:

Amend HCC 3.10.040, Authorized Investments, to authorize the extension of the term to maturity from three to five years.

Repeal, Governance of Homer permanent fund assets, as the permanent fund no longer exists.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-02

Ordinance 18-02, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility.

Sponsor: City Manager

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-003 from Special Projects Coordinator as backup

2. Council Regular Meeting January 22, 2018 Public Hearing and Second Reading
 - a. Memorandum 18-003 from Special Projects Coordinator as backup

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 18-02

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING FUNDS IN THE AMOUNT OF \$46,200 FROM COMMERCIAL PASSENGER VESSEL TAX GRANT FUNDS TO FUND THE DESIGN OF A NEW RAMP 2 PUBLIC RESTROOM FACILITY.

WHEREAS, An upgrade to the forty-three year old Ramp 2 public restroom to better serve the public has been recognized as a capital need in the City of Homer 2018-2023 Capital Improvement Plan; and

WHEREAS, The City of Homer developed conceptual plans and a financial strategy utilizing to fund the construction of a new Ramp 2 public restroom; and

WHEREAS, City of Homer Ordinance 17-19 accepted 2016 Commercial Passenger Vessel (CPV) Tax Program grant funds from the Kenai Peninsula Borough, committing those funds to the Ramp 2 Public Restroom project; and

WHEREAS, City of Homer Resolution 17-067 further committed accumulated and future CPV grant funds to meet match requirements for a Land and Water Conservation Fund (LWCF) grant application for Ramp 2 Restroom construction assistance and for completing the Ramp 2 Restroom upgrade project; and

WHEREAS, The Ramp 2 Restroom LWCF project has been approved by the State of Alaska and is awaiting Federal authorization; and

WHEREAS, A final design of the Ramp 2 Restroom rebuild is needed to be able to commence with construction once a LWCF grant agreement for construction funds is completed in the late spring of 2018.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes \$46,200 to be expended from the CPV Tax Fund for the design of the Ramp 2 Restroom from the account(s) described below:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
460-0927-4202	Commercial Passenger Vessel Tax Program Fund	\$46,200

44 Expenditure:

45

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
47 415-0941	Ramp 2 Public Restroom Replacement	\$46,200

48

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

51

52 ENACTED BY THE HOMER CITY COUNCIL this ____ day of _____, 2018.

53

54

55

CITY OF HOMER

56

57

BRYAN ZAK, MAYOR

58

59

60 ATTEST:

61

62

63

64 _____
MELISSA JACOBSEN, MMC, CITY CLERK

65

66

67 YES:

68 NO:

69 ABSENT:

70 ABSTAIN:

71

72 First Reading:

73 Public Hearing:

74 Second Reading:

75 Effective Date:

76

77 Reviewed and approved as to form:

78

79

80 _____
Katie Koester, City Manager

Holly Wells, City Attorney

81

82 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 18-003

TO: Mayor and the City Council
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Katie Koester, City Manager
DATE: January 3, 2018
SUBJECT: Ramp 2 Restroom Upgrade: Project Update and Design Funds Request

In mid-November the Alaska State Outdoor Recreation Trails Advisory Board approved the City's Ramp 2 Restroom Land and Water Conservation Fund grant application for Federal authorization. The grant will provide \$263,340 in 50-50 matching funds for construction. The State anticipates forwarding a grant agreement to the City in June 2018.

City of Homer project funds, per Ordinance 17-19 and Resolution 17-067, will come from accumulated Commercial Passenger Vessel (CPV) pass-through grant funds and a loan from the Port & Harbor Reserve account, which will be reimbursed over time from future KPB and State of Alaska CPV pass-through grant distributions.

To minimize construction disruption on the Spit during the busy summer season, the rebuild is planned for the early fall 2018. A final design and engineering plan for the new restroom is needed to be able to move into the construction phase in a timely manner after the grant agreement is finalized in June 2018.

Design/engineering funds are requested from accumulated CPV grant funds, after which \$137,182 (the CPV fund balance plus a CY2017 CPV distribution) will be available for LWCF grant matching funds.

To round out the project budget, Port and Harbor Reserves will forward fund approximately \$126,158, which we predict will be entirely repaid, in increments, by 2018 - 2020 CPV pass-through grant distributions.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-03

Ordinance 18-03, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-004 from Port and Harbor Director as backup
2. Council Regular Meeting January 22, 2018 Public Hearing and Second Reading
 - a. Memorandum 18-004 from Port and Harbor Director as backup

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Port and Harbor Director

5 **ORDINANCE 18-03**

6
7 AN ORDINANCE OF THE CITY COUNCIL, OF HOMER, ALASKA
8 AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE
9 EXPENDITURE OF \$50,000 FROM THE HARBOR RESERVE FUND FOR
10 THE PURPOSE OF CONDUCTING A SECTION 22 PLANNING
11 ASSISTANCE TO STATES PROGRAM STUDY FOR THE HOMER LARGE
12 VESSEL HARBOR EXPANSION PROJECT AND AUTHORIZING THE CITY
13 MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

14
15 WHEREAS, The City of Homer began a General Investigation Study with the U.S. Army
16 Corps of Engineers in 2004 titled Homer East Harbor Expansion; and

17
18 WHEREAS, After the study resulted in a negative finding for the expansion, it was shelved
19 until conditions improved that would justify re-engaging the Corps in the project; and

20
21 WHEREAS, Since 2009 staff has been working to address and track the issues that drove
22 the negative finding such as: armor rock source cost, dredged materials management planning,
23 large vessel fleet support and needs, federal fleet needs, and regional project support; and

24
25 WHEREAS, After meeting with U.S. Army Corps of Engineers representatives in November
26 of 2017 and reviewing changes in conditions and requirements surrounding this project, staff
27 believes it is in the best interest of the success of the project to take the advice of the Corps
28 representatives and engage them in a Section 22 Planning Assistance to States study; and

29
30 WHEREAS, The purpose of the Planning Assistance to States study is to efficiently ascertain
31 if the cost and benefit variables of building a Large Vessel Harbor have changed enough to
32 produce a positive finding and warrant resuming the General Investigation Study with the U.S.
33 Army Corps of Engineers and the investment of Federal dollars to fund their portion of the project;
34 and

35
36 WHEREAS, The total cost of the Section 22 Planning Assistance to States preliminary study
37 is \$100,000 with the U.S. Army Corps of Engineers responsible for \$50,000 and the City of Homer
38 responsible for \$50,000.

39
40 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
41

42 Section 1. The FY 2018 Operating Budget is hereby amended by appropriating \$50,000
43 from the Harbor Reserve Fund for the purpose of funding the City's portion of the Planning
44 Assistance to States study.

45

<u>Account</u>	<u>Description</u>	<u>Amount</u>
46 456-0380	47 Port & Harbor Reserves	48 \$50,000

49 Section 2. The City Manager is authorized to sign and execute a Planning Assistance to
50 States agreement with the Army Corps of Engineers for the purpose of determining if it is in the
51 best interest of the City of Homer and the Federal Government to further the Large Vessel Harbor
52 Expansion Project.

53

54 Section 3. This is a budget amendment ordinance, is not permanent in nature, and shall
55 not be codified.

56

57 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, by the Homer City Council this ____ day of
58 _____, 2018.

59

60

61 CITY OF HOMER

62

63

64 _____

65 BRYAN ZAK, MAYOR

66 ATTEST:

67

68

69 _____

70 MELISSA JACOBSEN, MMC, CITY CLERK

71

72 YES:

73 NO:

74 ABSTAIN:

75 ABSENT:

76

77 First Reading:

78 Public Hearing:

79 Second Reading:

80 Effective Date:

81

82 Reviewed and approved as to form:

83

84 _____
85 Mary K. Koester, City Manager
86
87 Date: _____

Holly Wells, City Attorney

Date: _____



Memorandum 18-004

TO: Mayor Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Bryan Hawkins, Port Director/Harbormaster
DATE: January 3, 2018
SUBJECT: Ordinance 18-03 Planning Assistance to States Program Study

The Homer harbor expansion project dates back to 2004 when the City of Homer first entered into a contract with the U.S. Army Corps of Engineers and the State in a General Investigation Feasibility study. Because the Corps is a Federal agency, there are requirements and conditions that must be met in order for the study to score on a federal level for funding for both design and construction. Ultimately, these projects result in a benefits versus costs (BC) rating. When the City decided to shelve the project in 2009 the estimated BC ratio was .26. At the time, a project needed a +3.0 ratio to be competitive for federal dollars.

City Manager Koester and I met with the Corps in November to discuss the possibilities and options for resuming the harbor expansion study in Homer. After reviewing the previous work that had been done on the project, the Corps recommend that the City of Homer work with them to conduct a Planning Assistance for States (PAS) preliminary study to determine if there have been enough changes to warrant resuming and completing the original General Investigation Study. The cost to Homer will be \$50,000 and the Corps will be responsible for the other \$50,000 (\$100,000 total). The Corps estimates that the PAS study will take between 4 to 6 months to complete, once their federal funding is approved.

After reviewing the original study internally and with the City's term contract engineering firms, R&M Consulting and HDR, staff believes conditions for construction are more favorable than in 2004, in both the availability of local building materials and increased demand for moorage from the large vessel fleet. The PAS will demonstrate what has changed and improved in Homer since 2004 and where the assumptions made in the first study were off track. Positive findings from the PAS preliminary study will give confidence to stakeholders that reinstating the General Investigation Study will produce a BC that justifies the investment of federal dollars in Homer.

The economic impact of Harbors are felt locally, regionally and nationally. This study will demonstrate these benefits while at the same time proving how the Large Vessel Harbor can be built for far less money than was predicted in 2004. This relatively modest investment of \$50,000 is the best way to get the Large Vessel Harbor Expansion Project recognized as a national project and meet the needs of the fleet and community.

Enc;
Sample Planning Assistance to States Agreement
Port and Harbor Commission Recommendation
Homer Large Vessel Harbor CIP page

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-04

Ordinance 18-04, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define “Employee-Occupied Recreational Vehicles”; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts.

Sponsor: Smith

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-005 from City Planner as backup
2. Council Regular Meeting January 22, 2018 Public Hearing and Second Reading
 - a. Memorandum 18-005 from City Planner as backup

**CITY OF HOMER
HOMER, ALASKA**

Smith

ORDINANCE 18-04

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.03.040 TO DEFINE “EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES” AND AMENDING HCC CHAPTER 21.54 TO ADD HCC 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS AND AMENDING HCC 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

WHEREAS, there are many commercial and industrial entities which have expressed interest in locating recreational vehicles on their work premises for the purpose of housing employees; and

WHEREAS, it is in the City’s best interest to support employer-provided housing so long as that housing does not place the City of Homer, its residents, and/or its citizens at risk; and

WHEREAS, permitting employee-occupied recreational vehicles in the marine industrial and commercial zoning districts falls within the purpose of those zoning districts and promotes the City’s best interest,

NOW THEREFORE, The City of Homer Ordains:

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

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

43 “Accessory use” means a use or activity that is customary to the principal use on the
44 same lot, and which is subordinate and clearly incidental to the principal use.

45
46 “ADT” or “average daily traffic” means the estimated number of vehicles traveling over
47 a given road segment during one 24-hour day. ADT is usually obtained by sampling and
48 may be seasonally adjusted.

49
50 “Adverse impact” means a condition that creates, imposes, aggravates or leads to
51 inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site
52 proposed for development or on off-site property or facilities.

53
54 Aggrieved. See “person aggrieved.”

55
56 “Agricultural activity” shall mean farming, including plowing, tillage, fertilizing,
57 cropping, irrigating, seeding, cultivating or harvesting for the production of food and
58 fiber products (excluding commercial logging and timber harvesting operations); the
59 grazing or raising of livestock (excluding feedlots); aquaculture; sod production;
60 orchards; Christmas tree plantations; nurseries; and the cultivation of products as part
61 of a recognized commercial enterprise. “Agricultural activity” excludes private stables
62 and public stables.

63
64 “Agricultural building” means a building used to shelter farm implements, hay, grain,
65 poultry, livestock, horticulture, or other farm products, in which there is no human
66 habitation and which is not used by the public.

67
68 “Aisle” means an area within a parking lot that is reserved exclusively for ingress, egress
69 and maneuvering of automobiles.

70
71 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a
72 secondary means of access to abutting property.

73
74 “Alteration” means any change, addition or modification in construction, occupancy or
75 use.

76
77 “Animal unit equivalent” is a convenient denominator for use in calculating relative
78 grazing impact of different kinds and classes of domestic livestock. An animal unit (AU)
79 is generally one mature cow of approximately 1,000 pounds and a calf as old as six
80 months of age, or their equivalent. Animal unit equivalents vary according to kind and
81 size of animals.

82
83 The following table of AU equivalents applies to the Homer Zoning Code.

Kinds and classes of animals equivalent **Animal-unit**

Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	

84
85 0.10 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted
86 species require application to the Planning Commission for determination of AU
87 equivalents.

88
89 Apartment House. See “dwelling, multiple-family.”

90
91 “Area, building” means the total area, taken on a horizontal plane at the main grade
92 level, of a building, exclusive of steps.

93
94 “Area, floor” means the total area of all floors of a building as measured to the outside
95 surfaces of exterior walls, including attached garages, porches, balconies, and other
96 structures when covered by a roof.

97
98 “Area, footprint” has the same meaning as “area, building.”

99
100 “Area, lot” means the total horizontal net area within the boundary lines of a lot,
101 exclusive of rights-of-way for streets and alleys.

102
103 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on a
104 lot to the area of the lot.

105
106 “Arterial” means a street whose principal function is the transmission of vehicular
107 through-traffic, that performs a major role in serving the transportation needs of the
108 community, and that is identified as a “major arterial” or “community arterial” in the
109 Homer Roads and Streets Master Plan.

110
111 “Assisted living home” has the meaning given in AS 47.32.900.

112
113 “Auto and trailer sales or rental area” means an automobile related use that may
114 consist of any combination of the following:

115
116 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
117 or sale;

118
119 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
120 trailers, and sale of parts and accessories customarily incidental to the sale of such
121 vehicles; and

122
123 3. Buildings at the location of a motor vehicle dealership used for auto repairs
124 customarily incidental to the operation of a dealership.

125
126 “Auto fueling station” means any premises used to sell motor fuels and lubrication to
127 motor vehicles. An auto fueling station may include the sale of minor accessories. Auto
128 fueling station does not include auto repair.

129
130 “Auto repair” means service and repair of motor vehicles, trailers and similar
131 mechanical equipment, including painting, upholstering, rebuilding, reconditioning,
132 body and fender work, frame straightening, undercoating, engine or transmission
133 rebuilding or replacement, tire retreading or recapping, and the like. It also includes
134 minor service work to automobiles or light trucks including tune up, lubrication,
135 alignment, fuel system, brakes, mufflers, and replacement of small items.

136
137 “Basement” means any floor level partly or wholly underground, except when such
138 floor level meets the definition of “story.”

139
140 “BCWP district” means the “Bridge Creek Watershed Protection District” described in
141 Chapter 21.40 HCC.

142
143 “Bed and breakfast” means a dwelling in which an individual or family resides and rents
144 bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory
145 to the principal use of the dwelling as the primary residence of the operator. If the
146 dwelling has six or more bedrooms available for rental to overnight guests it is a hotel
147 and not a bed and breakfast.

148
149 “Bluff” means an abrupt elevation change in topography of at least 15 feet, with an
150 average slope of not less than 200 percent (two feet difference in elevation per one foot
151 of horizontal distance).

152
153 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage
154 of boats.

155

156 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at
157 Bridge Creek.

158 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination
159 thereof used to physically separate or screen one use or property from another so as to
160 shield or block visibility, noise, lights, or other undesirable effects.

161
162 “Buffer, runoff” means an area of natural or planted vegetation through which
163 stormwater runoff flows in a diffuse manner so that the runoff does not become
164 channelized and that provides for infiltration of the runoff and filtering of silt and
165 pollutants. The buffer is measured landward from the normal full water elevation of
166 impounded structures and from the top of the bank of each side of a stream, river, ditch,
167 or other channel.

168 “Buffer, stream” means a runoff buffer of a designated distance on each side of a
169 channel measured perpendicularly from the top of the bank of each side of a stream,
170 river, ditch, or other channel.

171
172 “Building” means any structure used or intended for supporting or sheltering any use
173 or occupancy.

174
175 “Building construction” means the placing of construction materials in a permanent
176 position and fastened in a permanent manner in the course of constructing or erecting
177 a building.

178
179 “Building height” is the vertical distance from grade to the maximum point of
180 measurement of the building, measured according to HCC 21.05.030.

181
182 “Building, main” means the building of chief importance or function on the lot.

183
184 “Business, open air” or “open air business” means the retail sale or display of
185 merchandise or services, including but not limited to farmers’ markets and flea
186 markets, conducted outdoors or under a canopy for protection from the elements and
187 held on a regular or periodic basis. Open air business does not include (1) outdoor
188 display or sales of goods or services by a retail or wholesale business that is principally
189 located in a building, or (2) sales, services or rentals of any kind of boat or motorized
190 vehicle.

191
192 “Business, retail” means a place of business principally engaged in selling goods,
193 substances or commodities in small quantities to the ultimate consumer, and may
194 include rendering services incidental to the sale of such goods, substances or
195 commodities. The term “retail business” does not include, as either a principal or
196 accessory use, automobile oriented uses, the sale, rental, storage, service, or repair of
197 any motor vehicles, or any use separately defined or listed in any zoning district.

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“Business, wholesale” or “wholesale” means a place of business principally engaged in selling or distributing goods, substances or commodities in quantity to retailers or to industrial, commercial or institutional users mainly for resale or business use.

“Campground” means a parcel of land where two or more campsites are located that provides facilities for temporary recreational living in any manner other than a permanent building.

“Cemetery” means land used or intended to be used for burial of the dead and dedicated for cemetery purposes, including columbaria and mausoleums when operated in conjunction with and within the boundary of such cemetery.

“Channel protection storage volume” or “Cpv” means the volume used to design structural management practices to control stream channel erosion.
Church. See “religious, cultural, and fraternal assembly.”

“City Engineer” means an engineer within the Homer Department of Public Works designated by the Director of Public Works.

“Clearing” means the removal of trees and brush from the land, but shall not include the ordinary pruning of trees or shrubs or mowing of grass.

“Clinic” means a professional office with facilities for providing outpatient medical, dental or psychiatric services, which may include as incidental to the principal use a dispensary to handle medication and other merchandise prescribed by occupants in the course of their professional practices.

“Coalescing plate separators” or “CPS” are oil/water separators that employ a series of oil-attracting plates. Oil droplets collect and float to the surface, where they can be skimmed off or removed mechanically and separators may be installed above or below ground.

“Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay.

“Cold storage” means a building equipped with refrigeration or freezing facilities that provides cold or frozen storage or freezing services.

“Collocation” means the placement or installation of wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

240 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a
241 commercial motor vehicle or any motor vehicle with signs or logos exceeding nine
242 square feet in combined area.
243

244 “Commission” means the Homer Advisory Planning Commission.

245 “Community Design Manual” means the Community Design Manual for the City of
246 Homer, adopted by City Council Resolution 04-34, as may be amended from time to
247 time.

248 Comprehensive Plan. See HCC 21.02.010.
249

250 “Construction camp” means one or more buildings, trailers, mobile homes or similar
251 structures used to house workers or employees for logging, mining, off-shore and on-
252 shore construction, development and other projects, installed primarily for the
253 duration of the project or operation and not open for use by the general public as
254 accommodations or for permanent mobile home living.
255

256 “Date of distribution” means the date on which a City official mails a written decision
257 or order issued under the zoning code or, if the document is personally delivered, the
258 date of such personal delivery.
259

260 “Day care facility” means any establishment for the care of children, whether or not for
261 compensation, excluding day care homes and schools. Such day care facility must also
262 be duly licensed by the State, if so required by State law or regulation.
263

264 “Day care home” means the principal dwelling unit of one or more persons who
265 regularly provide(s) care, in the dwelling unit, whether or not for compensation, during
266 any part of the 24-hour day, to eight or less children at any one time, not including adult
267 members of the family residing in the dwelling. The term “day care home” is not
268 intended to include baby-sitting services of a casual, nonrecurring nature, child care
269 provided in the child’s own home, or cooperative, reciprocating child care by a group
270 of parents in their respective dwellings.
271

272 “Department” or “Planning Department” means the department or division of the City
273 of Homer under the direction of the City Planner, whose functions and powers include
274 the administration and enforcement of the zoning code as described in Chapter 21.90
275 HCC.
276

277 “Design year” means the year that is 10 years after the opening date of development.
278

279 “Detention, extended” means a stormwater design feature that provides gradual
280 release of a volume of water in order to increase settling of pollutants and protect
281 downstream channels from frequent storm events.

282
283 “Detention structure” means a permanent structure for the temporary storage of water
284 runoff that is designed so as not to create a permanent pool of water.
285

286 “Develop” or “development activity” means to construct or alter a structure or to make
287 a physical change to the land, including but not limited to excavations, grading, fills,
288 road construction, and installation of utilities.
289

290 “Development” means all manmade changes or improvements on a site, including
291 buildings, other structures, parking and loading areas, landscaping, paved or graveled
292 areas, and areas devoted to exterior display, storage, or activities. Development
293 includes improved open areas such as public spaces, plazas and walkways, but does
294 not include natural geologic forms or unimproved land. See also “project.”
295

296 “Development activity plan” or “DAP” means a plan, prepared according to standards
297 set forth in this title, that provides for the control of stormwater discharges, the control
298 of total suspended solids, and the control of other pollutants carried in runoff during
299 construction and the use of the development.
300

301 “Development, new” means development on a site that was previously unimproved or
302 that has had previously existing buildings demolished.
303

304 “Direct discharge” means the concentrated release of stormwater to tidal waters or
305 vegetated tidal wetlands from new development or redevelopment projects in critical
306 habitat areas.
307

308 “Dividers” means areas of landscaping that separate from each other structures or
309 improvements, including parking lots or buildings.
310

311 “Dog lot” means any outdoor area where more than six dogs over the age of five months
312 are kept.
313

314 “Dormitory” means a building or portion of a building that provides one or more rooms
315 used for residential living purposes by a number of individuals that are rented or hired
316 out for more than nominal consideration on a greater than weekly or pre-arranged
317 basis. A building or structure that provides such rooms on less than a weekly basis shall
318 be classified as a “hotel” or “motel,” “rooming house,” or other more suitable
319 classification. “Dormitory” excludes hotel, motel, shelter for the homeless and bed and
320 breakfast.
321

322 “Drainage area” means that area contributing water runoff to a single point measured
323 in a horizontal plane, which is enclosed by a ridge line.

324
325 “Dredging/filling” means an activity that involves excavating along the bottom of a
326 water body for the purpose of channeling, creating a harbor, mineral extraction, etc.,
327 and the subsequent deposition of the dredge material to build up or expand an existing
328 land mass or to create a new one.

329
330 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected
331 to the ground.

332
333 “Drive-in car wash” means automated or manual car wash facilities and equipment
334 used for retail car wash services enclosed within a building, which may include
335 accessory vacuum cleaning and other equipment for car interior detailing outside of a
336 building.

337
338 “Driveway” means the aisle area within a parking lot which abuts designated parking
339 spaces and which is reserved exclusively for ingress, egress and maneuvering of
340 automobiles in and out of those spaces.

341
342 “Dwelling” or “dwelling unit” means any building or portion thereof designed or
343 arranged for residential occupancy by not more than one family and includes facilities
344 for sleeping, cooking and sanitation.

345
346 “Dwelling, duplex” means a building designed or arranged for residential occupancy by
347 two families living independently, the structure having only two dwelling units.

348
349 “Dwelling, factory built” means a structure containing one or more dwelling units that
350 is built off-site, other than a manufactured home, and: (1) is designed only for erection
351 or installation on a site-built permanent foundation; (2) is not designed to be moved
352 once so erected or installed; and (3) is designed and manufactured to comply with a
353 nationally recognized model building code or an equivalent local code, or with a State
354 or local modular building code recognized as generally equivalent to building codes for
355 site-built housing.

356
357 “Dwelling, multiple-family” means a building or a portion thereof designed for
358 residential occupancy by three or more families living independently in separate
359 dwelling units.

360
361 “Dwelling, single-family” means a detached dwelling unit designed for residential
362 occupancy by one family.

363

364 “Easement” means a grant or reservation by the owner of an interest in land for the use
365 of such land for a specific purpose or purposes, and which must be conveyed or
366 reserved by an instrument affecting the land.

367
368 Educational Institution. See “school.”

369
370 **“Employee-occupied recreational vehicle” means a recreational vehicle utilized**
371 **by an employee or employer for housing.**

372
373 “Entertainment establishment” means a public or private institution or place of
374 business providing live or pre-recorded shows or performances for entertainment.

375
376 “Equipment compound” means the area occupied by a wireless communications
377 support structure and within which wireless communications equipment is located.

378 “Extractive enterprises” means uses and activities that involve the removal of ores,
379 liquids, gases, minerals, or other materials or substances from the earth’s surface or
380 subsurface.

381
382 “Extreme flood volume” or “Qf” means the storage volume required to control those
383 infrequent but large storm events in which overbank flows reach or exceed the
384 boundaries of the 100-year floodplain.

385
386 “Family” means an individual or two or more persons related by blood, marriage or
387 adoption, or a group not to exceed six unrelated persons living together as a single
388 housekeeping unit in a dwelling unit.

389
390 “Farmers’ market” means a location where the primary activity is the sale of goods:
391 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
392 other plant products, or other processed agricultural products;
393 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
394 viticulture, vermiculture, aquaculture, eggs, honey and bee products;
395 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
396 case of prepared foods; or
397 4. Created, sewn, constructed, or otherwise fashioned from component materials by
398 the seller.

399
400 Fence Height. See HCC 21.05.030(d).

401
402 “Financial institution” means banks, credit unions, saving and loan companies,
403 stockbrokers, and similar businesses.

404

405 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak
406 discharge.

407
408 “Garage, parking” means any building (including an underground structure), except
409 one described as a private garage, used principally for the parking or storage of motor
410 vehicles.

411
412 “Garage, private” means a building, or a portion of a building, in which motor vehicles
413 used only by the occupants of the building(s) located on the premises are stored or
414 kept.

415 Garage, Public. See “auto repair.”

416
417 “Gardening, personal use” means gardening for personal purposes as an accessory use
418 to the primary residential use of a lot.

419
420 “Glare” means direct light emitted by a luminaire that causes reduced visibility of
421 objects or momentary blindness.

422 “Grade” in reference to adjacent ground elevation means the lowest point of elevation
423 of the existing surface of the ground within the area between the structure and a line
424 five feet from the structure.

425
426 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated,
427 scarified, or filled, or any combination thereof.

428
429 “Group care home” means a residential facility that provides training, care, supervision,
430 treatment or rehabilitation to the aged, disabled, infirm, those convicted of crimes or
431 those suffering the effects of drugs or alcohol. The term “group care home” does not
432 include day care homes, day care facilities, foster homes, schools, hospitals, assisted
433 living homes, nursing facilities, jails or prisons.

434
435 “Guest room” means a single unit for the accommodation of guests without kitchen or
436 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

437
438 “Guesthouse” means an accessory building without kitchen or cooking facilities and
439 occupied solely by nonpaying guests or by persons employed on the premises.

440
441 “Helipad” means any surface where a helicopter takes off or lands, but excludes
442 permanent facilities for loading or unloading goods or passengers, or for fueling,
443 servicing or storing helicopters.

444
445 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
446 regularly land and take off, and where helicopters may be serviced or stored.

447 Highway. See “street” and “State highway.”

448

449 “Home occupation” means any use customarily conducted entirely within a dwelling or
450 a building accessory to a dwelling, and carried on by the dwelling occupants, that is
451 clearly incidental and secondary to the use of the dwelling for dwelling purposes and
452 does not change the character thereof, and includes no display of stock in trade, no
453 outside storage of materials or equipment and no commodity sold upon the premises.
454 “Home occupation” does not include bed and breakfast.

455

456 “Hospital” has the meaning given in AS 47.32.900.

457

458 “Hostel” means any building or portion of a building containing dormitory-style
459 sleeping accommodations for not more than 15 guests that are used, rented or hired
460 out on a daily or longer basis.

461

462 “Hotel” or “motel” means any building or group of buildings containing six or more
463 guest rooms that are used, rented or hired out to be occupied for sleeping purposes by
464 guests. “Hotel” or “motel” also means any building or group of buildings containing five
465 or less guest rooms that are used, rented or hired out to be occupied for sleeping
466 purposes by more than 15 guests. The terms “hotel” and “motel” exclude bed and
467 breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

468

469 “Impervious coverage” means an area of ground that, by reason of its physical
470 characteristics or the characteristics of materials covering it, does not absorb rain or
471 surface water. All parking areas, driveways, roads, sidewalks and walkways, whether
472 paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick,
473 stone, wood, ceramic tile or metal shall be considered to be or have impervious
474 coverage.

475

476 “Impound yard” means a lot, establishment, area, facility or place of business used for
477 the temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or
478 other abandoned or illegally stored personal property pending determination of
479 possessory or proprietary rights therein. If impounded property is held in custody
480 longer than six months, it shall be classified as a junk yard and not an impound yard.

481

482 “Independent business” means a business establishment that operates independently
483 of other business establishments. If retail and wholesale business establishments have
484 common management or common controlling ownership interests, they are not
485 operated independently of one another.

486

487 “Infiltration” means the passage or movement of water into the soil surface.

488

489 “Islands,” when used to describe landscaped areas within parking lots, means compact
490 areas of landscaping within parking lots designed to support mature trees and plants.

491
492 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC
493 8.08.010.

494
495 “Joint use parking area” means a parking lot that contains required off-street parking
496 spaces for more than one lot.

497
498 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled,
499 discarded, or damaged goods or tangible materials. Junk includes, without limitation,
500 motor vehicles that are inoperable or not currently registered for operation under the
501 laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber,
502 paper, plastics, chemicals, and building materials that cannot, without further
503 alteration or reconditioning, be used for their original purpose.

504
505 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor
506 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping,
507 salvage or sale of junk.

508
509 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or
510 other animals at least four months of age are kept for boarding, propagation or sale. If
511 a use meets the definitions of both dog lot and kennel, it shall be classified as a dog lot.

512
513 “Kitchen” means any room or part of a room intended or designed to be used for
514 cooking or the preparation of food. The presence of a range or oven, or utility
515 connections suitable for servicing a range or oven, shall be considered as establishing
516 a kitchen.

517
518 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and
519 wood chips, and decorative features, including sculpture.

520
521 “Level of service” or “LOS” means a qualitative measure describing operational
522 conditions within a traffic stream, based on service measures such as speed and travel
523 time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six levels
524 of service, from A to F, are used to represent a range of operating conditions with LOS
525 A representing the best operating conditions and LOS F the worst.

526
527 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in their
528 ability to maneuver within the traffic stream, passing demand is well below passing
529 capacity, drivers are delayed no more than 30 percent of the time by slow moving
530 vehicles.

531 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
532 restricted; passing demand approximately equals passing capacity, and drivers are
533 delayed up to 45 percent of the time; the level of physical and psychological comfort
534 provided to drivers is still high.

535
536 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
537 restricted and lane changes require more care and vigilance on the part of the driver;
538 percent time delays are up to 60 percent; traffic will begin to back up behind slow
539 moving vehicles.

540
541 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic flow,
542 density begins to increase somewhat more quickly, passing demand is very high while
543 passing capacity approaches zero, and the driver experiences reduced physical and
544 psychological comfort levels; the percentage of time motorists are delayed approaches
545 75 percent, even minor incidents can be expected to back up traffic because the traffic
546 stream has little space to absorb disruptions.

547
548 5. “LOS E” means the LOS at which roadway is at capacity; the percentage of time delay
549 is greater than 75 percent, passing is virtually impossible, as there are virtually no
550 usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
551 maneuver, physical and psychological comfort afforded to the driver is poor.

552
553 6. “LOS F” means the LOS at which traffic is heavily congested with traffic demand
554 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
555 high.

556
557 “Light trespass” means light emitted by a luminaire that shines beyond the boundaries
558 of the property on which the luminaire is located.

559
560 “Living ground cover” means low growing, spreading, perennial plants that provide
561 continuous coverage of the area.

562
563 “Living plant life other than ground cover” means plants, including, but not limited to,
564 trees, flower beds, rock gardens, shrubs and hedges.

565
566 “Loading space” means an off-street space on the same lot with a building or
567 contiguous to a group of buildings, designated or intended for the use of temporarily
568 parked commercial vehicles while loading and unloading, and that abuts upon a street,
569 alley or other appropriate means of access.

570

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

574 LOS. See “level of service.”
575

576 “Lot” means a single parcel of land of any size, the boundaries of which have been
577 established by some legal instrument of record, that is recognized and described as a
578 unit for the purpose of transfer of ownership. It may shown on a subdivision plat map,
579 or record of survey map, or described by metes and bounds and recorded in the office
580 of the District Recorder. “Lot” includes tracts and parcels of land of any size or shape.

581
582 “Lot, corner” means a lot situated at the intersection of two or more streets having an
583 angle of intersection of not more than 135 degrees.
584

585 “Lot depth” means the horizontal distance between the front and rear lot lines
586 measured on the longitudinal centerline.
587

588 “Lot, interior” means a lot other than a corner lot.
589

590 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a
591 square, or nearly square-shaped, corner lot, or (2) a through lot, the owner may choose
592 which street to designate as the front of the lot by giving written notice to the
593 Department. Once the choice of frontage has been made, it cannot be changed unless
594 all requirements for yard space with the new front lot line are satisfied.
595

596 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line
597 and, in case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel
598 to and at the maximum distance from the front lot line.
599

600 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

601 “Lot, through” means a lot having a frontage on two parallel or approximately parallel
602 streets.
603

604 “Lot width” means the width of a lot calculated according to HCC 21.05.050.
605

606 “Luminaire” means a complete lighting unit, including a lamp or lamps together with
607 parts to distribute light.
608

609 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire
610 above the horizontal plane through the luminaire’s lowest light emitting part, in its
611 mounted form either through manufacturing design or shielding.
612

613 “Luminaire, height of” means the vertical distance from the ground directly below the
614 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

615
616 “Ministorage” means one or more buildings containing units available for rent for the
617 purpose of the general storage of household goods and personal property in which
618 each unit (1) is separated from all other such units, (2) is fully enclosed, and (3) does not
619 have an area greater than 600 square feet.

620
621 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on
622 water flow and loss of ground cover, and may include systems of water impoundment,
623 settling ponds, grease and sand traps, and leach fields among others.

624
625 “Mobile commercial structure” means a structure constructed as a movable or portable
626 unit, capable of being transported on its own chassis or wheels, that is designed for
627 nonpermanent uses and placed on a nonpermanent foundation and is used in any
628 activity that promotes, supports or involves a land use permitted outright in the zoning
629 district in which the mobile commercial unit is to be placed.

630
631 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of the
632 zoning code, is treated as a temporary business.

633
634 “Mobile home” or “manufactured home” means a structure, transportable in one or
635 more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or
636 more in length, or when erected on site is 320 square feet or more; and (2) that is built
637 on a permanent chassis and is designed for use as a dwelling with or without a
638 permanent foundation when the plumbing, heating, and electrical systems contained
639 therein are connected to the required utilities. A mobile home shall be construed to
640 remain a mobile home whether or not wheels, axles, hitch or other appurtenances of
641 mobility are removed, and regardless of the nature of the foundation provided. A
642 mobile home shall not be construed to be a recreational vehicle or a factory built
643 dwelling.

644
645 “Mobile home park” means one or more lots developed and operated as a unit with
646 individual sites and facilities to accommodate two or more mobile homes.

647
648 “Native vegetation” means native plant communities that are undisturbed or
649 mimicked.

650
651 “Natural or manmade features” means features in landscaping other than plants,
652 including, but not limited to, boulders, or planters.

653
654 Nonconforming Lot. See HCC 21.61.010.

655
656 Nonconforming Structure. See HCC 21.61.010.

657
658 Nonconforming Use. See HCC 21.61.010.

659
660 “Nursing facility” means a facility that is primarily engaged in providing skilled nursing
661 care or rehabilitative services and related services for those who, because of their
662 mental or physical condition, require care and services above the level of room and
663 board. “Nursing facility” does not include a facility that is primarily for the care and
664 treatment of mental diseases or an assisted living home.

665
666 “Occupancy” means the purpose for which a building is used or intended to be used.
667 The term may also include the building or room housing such use. Change of occupancy
668 does not result from a mere change of tenants or proprietors.

669
670 “Office” means a physical location designed for, or used as, the office of professional,
671 business, administrative, institutional, charitable, personal service or public
672 organizations or persons, but does not include direct retail or wholesale sale of goods
673 except for those sales that are clearly incidental to the principal office use.

674
675 “Office, general business” means an office maintained and operated for the conduct of
676 management level administrative services or in which individuals or entities are
677 provided services in office settings in the nature of government, business, real estate,
678 insurance, property management, title companies, investment and financial,
679 personnel, travel, and similar services, including business offices of public utilities or
680 other activities when the service rendered is a service customarily associated with
681 office services. Offices that are part of and are located with a business or industrial firm
682 in another category are considered accessory to that firm’s primary activity.
683 Professional office is excluded.

684
685 “Office, professional” means an office maintained and operated for the conduct of a
686 professional business or occupation requiring the practice of a learned art or science
687 through specialized knowledge based on a degree issued by an institute of higher
688 learning, including but not limited to medicine, dentistry, law, architecture,
689 engineering, accounting, and veterinary medicine. General business office and clinic
690 are excluded.

691
692 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-
693 country travel on or immediately over land, water, sand, snow, ice, wetland, or other
694 natural terrain, except that such terms exclude (1) registered motorboats, (2) military,
695 fire, emergency, and law enforcement vehicles when used for such military, emergency,

696 and law enforcement purposes, and (3) any vehicle whose use is expressly approved by
697 the City of Homer.

698
699 “Oil water separators” means passive, physical separation systems, designed for
700 removal of oils, fuels, hydraulic fluids, and similar products from water. They are
701 generally large-capacity, underground cement vaults installed between a drain and the
702 connecting storm drain pipe. These vaults are designed with baffles to trap sediments
703 and retain floating oils. The large capacity of the vault slows down the wastewater,
704 allowing oil to float to the surface and solid material to settle out.

705
706 “Open space” means an area reserved or developed for recreational uses or preserved
707 for its natural amenities. Open space may include squares, parks, bicycle and
708 pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens.
709 “Open space” does not include outdoor recreation facilities.

710
711 “Overbank flood protection volume” or “Qp” means the volume controlled by
712 structural practices to prevent an increase in the frequency of out of bank flooding
713 generated by development.

714
715 “Overlay district” means a defined area with supplementary regulations that is
716 superimposed upon all or part of one or more underlying zoning districts. The
717 boundaries of an overlay district are usually shown on the official map, but may be
718 established by description.

719
720 “Overslope development” means an overslope platform and the structures located on
721 the overslope platform.

722
723 “Overslope platform” means an elevated horizontal structure designed to support
724 buildings that are located above the slope between an upland lot and the water of the
725 Homer small boat harbor.

726
727 “Parking lot” means an off-street, ground level open area, usually improved, containing
728 parking spaces for motor vehicles.

729
730 “Parking lot, double-loaded” means all or any portion of a parking lot in which there
731 are parking spaces on both sides of the driving aisle.

732
733 “Parking lot, single-loaded” means all or any portion of a parking lot in which there are
734 parking spaces on only one side of the driving aisle.

735
736 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

737

738 “Parking stall” is synonymous with “parking space.”

739

740 “Peak hour” in reference to traffic means a one-hour period representing the highest
741 hourly volume of traffic flow on the adjacent street system during the morning (a.m.
742 peak hour), during the afternoon or evening (p.m. peak hour) or representing the hour
743 of highest volume of traffic entering or exiting a site (peak hour of generator).

744

745 “Pedestrian way” means a maintained walkway or path, no less than four feet wide,
746 that connects two or more focal points of pedestrian activity, including other
747 pedestrian ways, trails, transit stops, street or parking area crossings, or building entry
748 points. Sidewalks may be pedestrian ways.

749

750 “Performance standards” means minimum requirements or maximum allowable limits
751 on the effects or characteristics of a use.

752

753 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up
754 of materials such as, but not limited to, crushed rock, bark and mulch.

755

756 “Permit” means any permit, approval or other authorization issued by the City under
757 the authority of the Homer Zoning Code or regulations.

758

759 “Person aggrieved” means a person who shows proof of the adverse effect an action or
760 determination taken or made under the Homer Zoning Code has or could have on the
761 use, enjoyment, or value of real property owned by that person. An interest that is not
762 different from that of the general public is not sufficient to establish aggrievement.

763

764 “Personal service” means a business primarily engaged in providing services involving
765 the care of an individual or his or her personal goods or apparel.

766

767 “Pipeline” means a line six inches or larger, which may include accessory pumps, valves
768 and control devices, for conveying liquids, gases or finely divided solids that are
769 constructed within rights-of-way or easements or from one parcel to another. However,
770 for the purpose of securing a conditional use permit the following are excluded: the
771 mains, hydrants, pumps, services, and pressure stations of the City of Homer water
772 utility; the mains, services, manholes and lift stations of the City of Homer sewer utility
773 and the local service mains, valves and services of a gas utility legally authorized to
774 provide such service within the City.

775

776 “Planned unit development” or “PUD” means a residential, commercial, office,
777 industrial, or other type of development, or a combination thereof, approved under the
778 conditional use procedures and applicable provisions of this title and characterized by
779 comprehensive planning for the entire project, the clustering of buildings to preserve

780 open space and natural features, and provision for the maintenance and use of open
781 space and other facilities held in common by the property owners within the project.

782
783 “Planning Commission” means the Homer Advisory Planning Commission.

784
785 “Pollutant” in reference to waters means any substance that causes contamination or
786 other alteration of the physical, chemical, or biological properties of waters including
787 change in temperature, taste, color, turbidity, or odor of the waters, or such discharge
788 of any liquid, gaseous, solid, radioactive or other substance into the waters that will or
789 is likely to create a nuisance or render such waters harmful. These substances include,
790 but are not limited to, any dredge, spoil, solid waste, incinerator residue, oil, grease,
791 garbage, sewage, sludge, medical waste, chemical waste, biological materials, heat,
792 petrochemical, and sediment.

793
794 “Pollution, nonpoint source” means pollution from any source other than from any
795 discernible, confined, and discrete conveyances and shall include, but not be limited
796 to, parking lots and roof tops and include substances such as pathogens,
797 petrochemicals, sediments, debris, toxic contaminants, or nutrients.

798
799 “Pollution, point source” means pollution from any discernible, confined, and discrete
800 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well,
801 discrete fissure, container, landfill leachate collection system, vessel or other floating
802 craft from which pollutants are or may be discharged.

803 Principal Use. See “use, principal.”

804
805 “Project” means an existing or proposed development.

806
807 “Public spaces” means space containing amenities for public use or enjoyment, for
808 example, benches, bike racks, water features, public art, and kiosks that enhance the
809 community.

810
811 “Public utility facility or structure,” for the purpose of requiring a conditional use
812 permit, means (1) any facility or structure owned and operated by a public or private
813 utility, or (2) a telecommunications tower or antenna, but it excludes water distribution
814 mains, pressure stations and hydrants, sewage collection lines, manholes and lift
815 stations, underground and overhead electrical, cable and telephone lines and poles,
816 street lights and small wind energy systems.

817
818 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a height
819 of at least 15 feet and an average slope of not less than 500 percent (five feet difference
820 in elevation per one foot of horizontal distance).

821

822 “Recharge volume” or “Rev” means that portion of the water quality volume used to
823 maintain groundwater recharge rates at development sites.

824
825 “Recreational facility, indoor” means a building used for indoor sports, recreation,
826 physical activities or games such as bowling alleys, racquetball courts, skating rinks,
827 and other physical recreation activities.

828
829 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games
830 such as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving
831 ranges, equestrian arenas, open air performing arts centers and similar activities. It
832 does not include sport fishing in the waters of any watercourse, water body, or
833 Kachemak Bay.

834
835 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is
836 designed and manufactured as temporary lodging for travel, recreational and vacation
837 use, and which is either self-propelled, mounted on or pulled by another vehicle.
838 Examples include, but are not limited to, a travel trailer, camping trailer, truck camper,
839 motor home, and fifth-wheel trailer.

840
841 “Recreational vehicle park” means a parcel of land that has been planned and
842 improved for use by two or more recreational vehicles for transient occupancy.

843
844 “Religious, cultural and fraternal assembly” means a use or building owned or
845 maintained by an organized religious organization or nonprofit entity for assemblies
846 for social, cultural, civic, or philanthropic purposes, or where persons regularly
847 assemble for worship.

848
849 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,
850 regulation, and control of water.

851
852 “Residential districts” or “residential zoning districts” means the rural residential,
853 urban residential, and residential office zoning districts.

854
855 “Retention structure” means a permanent structure that provides for the storage of
856 water runoff.

857
858 “Right-of-way” means the entire width of property dedicated for a public street or
859 private easement providing ingress and egress from property abutting thereon.
860 Road. See “street.”

861

862 “Roadside stand” means a temporary structure on land adjacent to a street, usually for
863 the attraction of motorists for profit-making purposes. Common roadside stands sell
864 local food, produce, firewood, handcrafted items or imported goods.

865
866 “Rooming house” means a dwelling containing not more than five guest rooms that are
867 used, rented or hired out to be occupied for sleeping purposes by guests. A rooming
868 house shall not accommodate in excess of 15 guests. A rooming house shall also include
869 any structures associated with the dwelling, such as guest cabins; provided, that a
870 conditional use permit was obtained for any associated structures, if a permit is
871 required in order to have more than one building containing a permitted principal use
872 on the lot. “Rooming house” does not include bed and breakfast.

873
874 “School” means an institution or place for instruction or education, including all
875 structures and land necessary to the accomplishment of educational purposes.

876
877 “School, commercial” means a school for the teaching of clerical, managerial,
878 administrative, service or artistic skills. This applies to schools operated privately for
879 profit that do not offer a complete educational curriculum, e.g., beauty school,
880 modeling school and secretarial school. Commercial school does not include trade,
881 skilled or industrial school.

882
883 “School, private” means a school that provides a complete educational curriculum and
884 is owned and operated by private educational, religious, charitable, or other institution.
885 It may provide elementary, secondary or post-secondary levels of education.

886
887 “School, public” means a school owned and operated or chartered by the Kenai
888 Peninsula Borough or the State or University of Alaska for the purpose of public
889 education.

890
891 “School, trade, skilled or industrial” means a school for the teaching of industrial,
892 construction, technical and skilled trades skills, including schools operated by or for
893 labor unions. Examples include welding, carpentry, electrician, and similar training
894 schools.

895
896 “Sediment” means soils or other surficial materials transported or deposited by the
897 action of wind, water, ice, or gravity as a product of erosion.

898
899 “Senior housing” means attached or detached independent living developments,
900 including retirement communities, age-restricted housing and active adult
901 communities.

902
903 Service Station. See “auto fueling station” and “auto repair.”

904
905 “Setback” means the required minimum distance between the lot line and a building,
906 measured according to Chapter 21.05 HCC. The setback area establishes a required
907 yard in which structures are prohibited or limited as provided in the zoning code.

908
909 “Sewer, community” means that portion of a nonpublic sewerage serving:

910 1. One or more multifamily dwellings;

911

912 2. A mobile home park, a trailer park, or a recreational vehicle park;

913

914 3. Two or more:

915 a. Single-family homes or duplexes;

916 b. Commercial establishments;

917 c. Industrial establishments; or

918 d. Institutions; or

919

920 4. Any combination of two or more of the structures listed in subsections (3)(a) through
921 (d) of this definition.

922

923 “Sewer, public” means a sewer system operated for the benefit of the public by the City
924 of Homer or a public utility under a certificate of convenience and necessity issued by
925 the Regulatory Commission of Alaska or by its predecessor or successor agency.

926

927 “Shelter for the homeless” means a building used primarily to provide on-site meals,
928 shelter and secondary personal services such as showers and haircuts to the homeless
929 and the needy on a nonpermanent basis for no or nominal compensation.

930 Sign. See HCC 21.60.040.

931

932 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination
933 thereof that is in one ownership or is contiguous and in diverse ownership, where
934 development exists or will be created as one unit, subdivision, or project.

935

936 “Site plan” means a plan, to scale, showing the proposed use and development of a
937 site. The plan generally includes lot lines, streets, points of vehicular access to the site,
938 building sites, reserved open space, existing buildings, major landscape features (both
939 natural and manmade), and the locations of utility lines. Additional information may be
940 required on a site plan by applicable provisions of the zoning code.

941

942 “Slash pile” means a row or pile of woody debris from timber harvesting, land clearing,
943 or similar activity.

944

945 “Slope” means, with respect to two points on the surface of the ground, the ratio,
946 expressed as a percentage, of the difference between their elevations divided by the
947 horizontal distance between them. Slope is measured as provided in HCC 21.05.040.

948
949 “Small wind energy system” means a wind energy system having a rated capacity of
950 less than 25 kilowatts and a total height less than 170 feet, whose primary function is to
951 provide electric power for on-site consumption.

952
953 “Stabilization” means the prevention of soil movement by any of various vegetative or
954 structural means.

955
956 “Stable, private” means an accessory building in which one or more horses are kept for
957 private use and enjoyment and not for boarding, hire or sale; or in which not more than
958 one horse is kept for boarding, hire or sale.

959
960 “Stable, public” means a building in which two or more horses are kept for boarding,
961 hire or sale.

962
963 “State highway” means a street designated by the State as a part of the State highway
964 system.

965
966 “Steep slope” means an elevation change in topography of at least 15 feet, with an
967 average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet
968 of horizontal distance). A steep slope can occur naturally or can be created by
969 excavation into or filling over natural ground.

970
971 “Stormwater management” means:
972
973 1. For quantitative control, a system of vegetative and structural measures that control
974 the increased volume and rate of surface runoff caused by manmade changes to the
975 land; and
976
977 2. For qualitative control, a system of vegetative, structural, and other measures that
978 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

979
980 “Stormwater management, off-site” means the design and construction of a facility
981 necessary to control stormwater from more than one development.

982
983 “Stormwater management, on-site” means the design and construction of systems
984 necessary to control stormwater within an immediate development site.

985

986 “Stormwater management plan” or “SWP” means a set of drawings or other documents
987 prepared according to the requirements of this title and submitted by a person as a
988 prerequisite to obtaining a stormwater management approval. A SWP will contain all
989 of the information and specifications pertaining to stormwater management.

990
991 “Stormwater runoff” means flow on the surface of the ground, resulting from
992 precipitation or snow melt.

993
994 “Story” means that portion of a building included between the upper surface of any
995 floor and the upper surface of the floor next above, except that the topmost story shall
996 be that portion of a building included between the upper surface of the topmost floor
997 and the ceiling or roof above. If the finished floor level directly above a basement or
998 cellar is more than six feet above grade for more than 50 percent of the total perimeter
999 or is more than 12 feet above grade at any point, such basement or cellar shall be
1000 considered a story.

1001
1002 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates
1003 of which on at least two of its opposite exterior walls are not more than two feet above
1004 the floor of such story.

1005
1006 “Stream” means any body of flowing water, including a river, creek, tributary, or other
1007 watercourse.

1008
1009 “Stream banks” are defined by the steep or sloping ground that borders a stream and
1010 confines the water in the natural channel when the water level or flow is normal.

1011
1012 “Stream, intermittent” means a stream that does not flow continuously but stops or
1013 dries up from time to time.

1014
1015 “Stream, perennial” means a stream that flows continuously throughout the year, in
1016 contrast to an intermittent stream.

1017
1018 “Street” means a public thoroughfare including a public street, road or highway of any
1019 description that affords a principal means of access to abutting property. Street does
1020 not include alley or driveway.

1021
1022 “Street line” means the line of demarcation between a street right-of-way and the
1023 abutting lot(s).

1024
1025 “Stripping” means any activity that removes the vegetative surface cover including tree
1026 removal, clearing, grubbing and storage or removal of topsoil.

1027

1028 “Structural alteration” means any change of the supporting members of a building or
1029 structure such as bearing walls, columns, beams or girders.

1030
1031 “Structure” means anything constructed or erected that requires location on the
1032 ground or that is attached to something having location on the ground.

1033
1034 “Studio” means a room, rooms or building where an artist or photographer does work,
1035 a place where dancing lessons, music lessons, or similar artistic lessons are given, or
1036 where radio or television programs are produced or where recordings are made.

1037
1038 “Taxi” means any motor vehicle, permitted and licensed by the City, having a
1039 manufactured-rated seating capacity of nine passengers or less engaged in the carrying
1040 of persons in exchange for receiving fares, not operated over a fixed route, and subject
1041 to calls from a central location or otherwise operated for hire to perform public
1042 transportation.

1043
1044 “Taxi operation” means a taxi business operated from a fixed location, but not limited
1045 in its operation to any particular route, which may include a dispatch office and vehicle
1046 fleet parking.

1047
1048 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both,
1049 for commercial purposes, of (1) trees including, without limitation, live trees, Christmas
1050 trees and tree products in the form of logs, chunks, bark chips or similar items; or (2)
1051 minor forest crops such as cones, ferns, greenery, berries and moss.

1052
1053 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,
1054 sediment) suspended in and carried by a fluid (e.g., water).

1055
1056 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
1057 antenna used by an amateur radio operator licensed by the Federal Communications
1058 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

1059
1060 “Tower, communications” means a fixed vertical structure built for the primary
1061 purpose of supporting wireless communications equipment, plus its accompanying
1062 base plates, anchors, guy cables and hardware.

1063
1064 “Townhouse” means a building on its own separate lot containing one dwelling unit
1065 that occupies space from the ground to the roof and is attached to one or more other
1066 townhouse dwelling units by at least one common wall.

1067
1068 “Trip” in reference to traffic means a single one-way motor vehicle movement either to
1069 or from a subject property or study area.

1070
1071 “Turbidity” means an expression of the optical property that causes light to be
1072 scattered and absorbed rather than transmitted in straight lines through a water
1073 sample; turbidity in water is caused by the presence of suspended matter such as clay,
1074 silt, finely divided organic and inorganic matter, plankton, and other microscopic
1075 organisms.

1076
1077 “Use” means the purpose for which land or a structure is occupied, arranged, designed
1078 or intended, or for which either land or a structure is or may be occupied or maintained.

1079
1080 “Use, principal” means the use of a lot or structure that is of chief importance or
1081 function on the lot.

1082
1083 “Variance” means any deviation from the requirements of the zoning code authorized
1084 by the Planning Commission pursuant to Chapter 21.72 HCC.

1085 “Vehicle fleet” means a group of vehicles operated under unified control.

1086
1087 Vehicle Maintenance. See “auto repair.”

1088
1089 Vehicle Repair. See “auto repair.”

1090
1091 “Visibility or vision clearance” means the assurance of adequate and safe vision
1092 clearance particularly for vehicle operators and pedestrians; a specified area of
1093 clearance at corners of intersections where no plantings, walls, structures or temporary
1094 or permanent obstructions exceeding a specified height above the curb level are
1095 allowed.

1096
1097 “Water-dependent” means a use or activity that can be carried out only on, in or
1098 adjacent to water areas because the use requires access to the water body.

1099
1100 “Water quality volume” or “WQV” means the volume needed to capture and treat 90
1101 percent of the average annual runoff volume at a development site.

1102
1103 “Water-related” means a use or activity that is not directly dependent upon access to a
1104 water body, but which provides goods and services that are directly associated with
1105 water-dependent uses or activities.

1106
1107 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal,
1108 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent
1109 area that is subject to inundation from overflow or floodwater.

1110

1111 “Watershed” means any area of land that water flows or drains under or across ground
1112 on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on
1113 a topographical map by connecting the high points of the contour lines surrounding
1114 any water body.

1115
1116 “Wetland” means an area of land that is inundated or saturated by surface or
1117 groundwater at a frequency and duration sufficient to support, and that under normal
1118 circumstances do support, a prevalence of vegetation typically adapted for life in
1119 saturated soil conditions.

1120
1121 Wetlands generally include swamps, marshes, bogs, and similar areas.

1122
1123 Wholesale. See “business, wholesale.”

1124
1125 “Wind energy system” means a wind turbine and its supporting wind energy system
1126 tower.

1127
1128 “Wind energy system tower” means a fixed vertical structure that supports a wind
1129 turbine, including a monopole or lattice tower, plus its accompanying base plates,
1130 anchors, guy cables and hardware.

1131
1132 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind
1133 energy into electric energy.

1134
1135 “Wireless communications equipment” means the set of equipment and network
1136 components used in the provision of wireless communications services, including
1137 without limitation antennas, transmitters, receivers, base stations, equipment shelters,
1138 cabinets, emergency generators, power supply cables, and coaxial and fiber optic
1139 cables, but excluding any wireless communications support structure.

1140
1141 “Wireless communications services” means transmitting and receiving information by
1142 electromagnetic radiation, by an operator (other than an amateur radio operator)
1143 licensed by the Federal Communications Commission.

1144
1145 “Wireless communications support structure” means a structure that is designed to
1146 support, or is capable of supporting, wireless communications equipment, including a
1147 communications tower, utility pole, or building.

1148
1149 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by
1150 any structure or portion of a structure from 30 inches above the general ground level of
1151 the graded lot upward, except (1) fences, walls, posts, poles and other customary yard
1152 accessories, ornaments and furniture may be permitted in any yard subject to height

1153 limitations and requirements limiting obstruction of visibility, and (2) certain structures
1154 may be permitted in certain yards when authorized by code provisions applicable to a
1155 particular zoning district.

1156
1157 “Yard, front” means a yard extending across the full width of a lot, the depth of which is
1158 the minimum horizontal distance between the front lot line and a line parallel thereto.

1159
1160 “Yard, rear” means a yard extending across the full width of the lot, the depth of which
1161 is the minimum horizontal distance between the rear lot line and a line parallel thereto.

1162
1163 “Yard, side” means a yard between a main building and the side lot line extending from
1164 the front yard to the rear yard.

1165
1166 “Zoning code” means this title.

1167
1168 “Zoning districts” means those districts established and described in Division II of this
1169 title.

1170
1171 Section 2. Section 21.54.200 entitled “Standards for recreational vehicle parks-General” is
1172 amended to read as follows:

1173
1174 Section 21.54.200 Standards for recreational vehicle parks-General.

1175
1176 HCC 21.54.200 through 21.54.310~~25~~ establish standards governing recreational
1177 vehicle parks, **recreational vehicles in residential zoning districts, and employee-**
1178 **occupied recreational vehicles.**

1179
1180 Section 3: Section 21.54.210 entitled “Spaces and occupancy” is amended to read as follows:

1181
1182 Section 21.54.210 Space and occupancy.

1183
1184 a. Space Size. The space provided for each recreational vehicle shall be a minimum of
1185 600 square feet, exclusive of any space used for common areas, driving lanes,
1186 walkways, general use structures, and landscaped areas.

1187
1188 b. Identification. Each recreational vehicle space shall be plainly marked and
1189 numbered for identification.

1190
1191 c. Occupancy. Only one recreational vehicle shall occupy a space. Recreational vehicle
1192 parks may be open on a year-round basis. **Except as otherwise permitted under this**
1193 **title, n**No recreational vehicle shall be parked for occupancy in a recreational vehicle
1194 park for more than 30 continuous days, nor shall a recreational vehicle be parked for

1195 occupancy in a recreational vehicle park for more than 120 days in any 12-month
1196 period.

1197
1198 Section 4. Homer City Code 21.54 is amended to add section 21.54.325 to read as follows:
1199

1200 **21.54.325 Standards for recreational vehicles in the Marine Commercial District**
1201 **and the Marine Industrial District.**

1202
1203 **Outside of recreational vehicle parks, the use of recreational vehicles in the**
1204 **marine commercial and industrial zoning districts shall conform to the following**
1205 **standards:**

1206
1207 **A property owner may have one employee-occupied recreational vehicle per lot.**
1208 **An employee-occupied recreational vehicle must be a self-contained recreational**
1209 **vehicle and must have a receptacle approved by law for collection of liquid and**
1210 **semi-solid wastes. While the employee-occupied recreational vehicle is parked**
1211 **on the property, it must be parked in a manner that will not create a dangerous**
1212 **or unsafe condition on the lot or adjacent properties. Parking in such fashion that**
1213 **the recreational vehicle may tip or roll constitutes a dangerous and unsafe**
1214 **condition. A parked employee-occupied recreational vehicle must be in a**
1215 **condition for the safe and effective performance of its intended function as an**
1216 **operable motor vehicle.**

1217
1218 **An employee-occupied recreational vehicle may not be placed in a parking space**
1219 **required to comply with the Homer Zoning Code.**

1220
1221 **An employee-occupied recreational vehicle may not directly hook-up to**
1222 **municipal water and sewer without first obtaining written approval by the Public**
1223 **Works Director or his or her designee. The Public Works Director shall grant**
1224 **approval for direct hook-up to the municipal water and sewer if he or she**
1225 **determines that the applicant is in full compliance with this Title. A permit under**
1226 **this subsection may only be submitted by a property owner or a lessee of the**
1227 **property.**

1228
1229 Section 5: This ordinance is of a permanent and general character and shall be included in
1230 the City Code.

1231
1232 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
1233 2017.

1234
1235 CITY OF HOMER

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date:_____

BRYAN ZAK, MAYOR

Holly Wells, City Attorney

Date:_____



City of Homer

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Planning

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Memorandum 18-005

TO: MAYOR ZAK AND HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: DECEMBER 29, 2017

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE CHAPTER 21.03.040 TO DEFINE "EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES"; TITLE 21.54 TO ADD 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS; AND AMENDING 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

At the request of the City Council in memorandum 17-097, the Planning Commission has reviewed the allowance for the use of RV's in the Marine Districts. After being on the Planning Commission's agenda for three weeks and receiving a recommendation from the Port and Harbor Commission, a public hearing was held at the December 6th meeting of the Planning Commission.

After receiving public testimony, the Commission voted unanimously in support of the draft ordinance for adoption by the City Council.

Planning Commission Recommendation:

Adopt Draft Ordinance regarding Employee-Occupied Recreational Vehicles.

Att.

Staff reports PL 17-65,71,77, & 92

Memo to Port and Harbor Commission, dated 8.17.17

Corresponding Planning and Port and Harbor Commission minutes

Draft Ordinance

Memo PL 17-08



City of Homer

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Staff Report PL 17-65

TO: Homer Advisory, Port and Harbor Advisory Commissions
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: July 19, 2017
SUBJECT: RV's in the Marine Commercial District

Introduction

Council has directed a memo to the Planning Commission to review whether a single RV for a caretaker is an acceptable use in the Marine Commercial District. Currently caretakers such as the owner or an employee may live in a building onsite but not in an RV. Staff would like to include the Port and Harbor Commission in this discussion.

Staff recommends the Commissions schedule a joint work session to discuss this issue.

Meeting opportunities:

~ August 16th at 5:30 pm, during the HAPC work session

~ Another time and date?

Analysis

Staff note: Caretakers are allowed in both Mariner Commercial and Marine Industrial zones. Staff recommends treating these zones the same if a caretaker RV is allowed on the Spit.

Current zoning rules on the Spit, camping in an RV is limited to RV parks and campgrounds. Under 21.54.210, in an RV park, an RV may not be occupied for more than 30 days, and also for no more than 120 days in a 12 month period. Individual RV's cannot hook up to city water and sewer services. Under Title 19, Parks, Campgrounds and Public Places, camping in public campgrounds is limited to 14 days.

Options -

- A. Recommend against allowing a caretaker to live in an RV
- B. Allow one RV onsite for a caretaker in the Marine Commercial and Marine Industrial Districts, with other rules based on conversation from the Commissions (sanitation, length of time, mobility of RV, etc).
- C. ?

Staff Recommendation

1. Discuss the concept of a caretaker/employee/business owner living in an RV on the Spit.
2. Schedule a joint work session to discuss the idea.

Attachments

1. Memorandum 17-097 <http://www.cityofhomer-ak.gov/memorandum/memorandum-17-097-rvs-marine-commercial-district>
2. Excerpt of Homer City Council Minutes of 6/26/17 https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/city_council/meeting/16221/cc_062617.pdf
3. Homer News article “City to consider caretaker motorhomes on Spit,” July 7, 2017
4. Griswold email dated 7/10/2017

[Clear sky](#)[Home](#)[Contact Us](#)

Memorandum 17-097 RV's in Marine Commercial District

Memorandum ID:

17-097

Memorandum Status:

No Status

Related Meetings

[City Council Regular Meeting - Mon 6/26/17](#)

Details

Memorandum 17-097

TO: HOMER ADVISORY PLANNING COMMISSION

THROUGH: HOMER CITY COUNCIL

FROM: COUNCILMEMBER SMITH

DATE: JUNE 20, 2017

SUBJECT: RECREATIONAL VEHICLE (RV) ALLOWANCES IN THE MARINE COMMERCIAL DISTRICT

The purpose of this memo is to introduce the concept for a draft ordinance to the City Council for review prior to recommending the Planning Commission work on an ordinance. This serves two purposes:

1.) An opportunity for the public to be aware of an item proposed for the consideration of the Planning Commission (hopefully for their comment and future

participation) and

2.) An opportunity for the City Council to express their support for the concept and to discuss any refinement that may lead to a better recommendation for the Planning Commission.

The use of RV's in the Marine Commercial District outside of RV parks continues to proliferate despite code enforcement efforts. Several businesses desire to utilize RV's for caretaker use or to house employees and/or guests. I propose that the Planning Commission review the allowance for a maximum of one RV in the Marine Commercial District and make a recommendation to the City Council.

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VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 17-096** from City Clerk Re: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15.

Mayor Zak asked for a motion for the approval of the recommendation in Memorandum 17-096 to vacate a portion of the public roadway easement.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Memorandum 17-097** from Councilmember Smith Re: Amending City Code to Allow a Caretaker RV on Lots in the Marine Commercial District.

Mayor Zak asked for a motion to forward Memorandum 17-097 to the Planning Commission to discuss and draft an ordinance for consideration.

ERICKSON/REYNOLDS SO MOVED

Councilmember Smith explained that there are a number of RV's on the spit at business locations that are used for residence throughout the season and is a violation the way current code is written. This is an attempt to provide an opportunity for those and any business in the district to have one there to facilitate the needs of that business.

Councilmember Lewis questioned if this is for employee housing also or leaving it up to the Planning Commission to decide.

Councilmember Smith responded the Planning Commission and staff will bring us something that is functional for the district. We're trying to offer an opportunity and some flexibility so it doesn't hamper our small businesses and their ability to be an important part of our community.

There was brief discussion regarding an RV allowed at the parks for oversite, the camp host program at Karen Hornaday Park and would be allowed at other city camping areas if needed.

Councilmember Stroozas asked if the Planning Commission would be considering sizes and Councilmember Smith replied there are a lot of sizes and they can iron that out.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

Mayor Zak asked for a motion for the adoption of Resolution 17-070 by reading of title only.

ADERHOLD/REYNOLDS SO MOVED

There was discussion of some stake holder engagement that was facilitated by STANTEC in a public meeting for the first Public Safety Building effort, but not a significant survey done.

Councilmember Lewis suggested they should have something to present, such as which lot, method of payment and etc., before going ahead with a survey and other councilmembers agreed.

Councilmember Aderhold explained at their last meeting council was going in circles saying we don't know what residents are willing to pay for, their preference on site selection, and what the city is willing to do regarding a police station. They talked about getting some input from the public so that is why she brought this forward. It's fine if they don't want to go in this direction, but we still need to come up with a way forward.

Councilmember Stroozas thinks it's important to get public input and recalled discussing an online or telephone survey at the last meeting, but doesn't see hiring someone from the outside doing it when we can do it ourselves.

Councilmember Smith commented that right now this group isn't on the same page in what to present to the public. As a council we know many things and need to look at the reality of what it is and work amongst ourselves to come to some agreement on what we can take to the people and unify them with the message.

VOTE: YES: LEWIS, ADERHOLD
NO: ERICKSON, REYNOLDS, STROOZAS, SMITH

Motion carried.

COMMENTS OF THE AUDIENCE

YOUR TOWN | YOUR NEWS | YOUR PAPER | SINCE 1964

HOMER NEWS ⁽¹⁾

City to consider caretaker motorhomes o Spit

By: MICHAEL ARMSTRONG (/authors/michael-armstrong-0),

Homer News

Posted: Thu, 07/06/2017 - 8:27am



For the past 18 years, along Freight Dock Road near the Homer Spit, L.H. and Marcia Pierce have run sweet little Spit operation, Sportsman's Supply. Halfway between the Nick Dudiak Fishing Lagoon and load-launch ramp, the tackle and bait shop serves fishermen heading out to Kachemak Bay or trying

luck at the Fishin' Hole.

The Pierces also run a small, 10-space recreational vehicle campground by the store. From Soldotna, Pierces live in a motorhome parked next to the shop, their home from February to October as well as store's office.

Too bad, the city has told the Pierces.

When their lease is up for renewal in March 2018, they will have to shut down their small motorhome campground and maybe even move their summer home.

Built on a 7,800-square-foot lot leased from the city, the RV park violates city zoning regulations that : RV park must be a minimum of 40,000 square-feet. When they started the process to renew their lease another 10 years, the city told the Pierces they couldn't operate a campground. They also were told they couldn't live in their own motorhome there, not even using it as a caretaker's home.

At the June 26 Homer City Council meeting, the council unanimously approved a memorandum directed City Planner Rick Abboud to write an ordinance to change zoning in the Marine Commercial district to allow Spit businesses like Sportsman's Supply to use motorhomes or trailers as caretaker or owner lodging. The ordinance will go to the Homer Advisory Planning Commission and the Port and Harbor Commission for their review over the next few months. After the commissions have had their say, the ordinance comes back to the council for its consideration.

"I don't want our actions to be so burdensome it inhibits them from being successful," said council member Heath Smith, who introduced the memo. "We're partners. We depend on the tax revenues they produce. We want to create a climate that helps them succeed."

Marcia Pierce said they get a lot of return visitors who come up to stay at their small campground. The park earns the couple about \$70,000 annually — \$5,250 in taxes that goes to the city and Kenai Peninsular Borough.

How many motorhomes would be allowed per business or lot would need to be worked out.

"It can't be one per business," Smith said. "If you look at those boardwalks, they have 10 businesses on there. It might have to be one per lot owner. It has to be zoned right."

In the Marine Commercial district, as long as they meet the 40,000-square-foot minimum and other conditions, RV parks are allowed, such as Heritage RV Park on English Bay Native corporation land or Homer Campground on city land. Caretaker cabins are allowed as an accessory use. Many Spit businesses such as the buildings on the Cannery Row Boardwalk across from Coal Point Trading Company, have upstairs apartments. Some businesses have motorhomes parked on their lots, though, such as Happy Restaurant and Coal Point.

Parking an RV is legal, but outside of a permitted RV park, in the Marine Commercial District, staying in one is not. In residential zoning districts, people can stay in recreational vehicles parked next to homes for up to 90 days total in a year. City code uses the term "recreational vehicle" to refer to "temporary lodging for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by an

vehicle.”

Smith noticed the issue with noncomplying motorhomes used as caretaker homes when the Sportsman Supply issue came up.

“It became clear that was one of the code violations there,” Smith said. “That opened our eyes to the fact that there are several businesses out there that have that need.”

Pierce said the issue initially arose when the natural gas pipeline came in, and surveyors checked lot corners. That survey found all of one and half of another of the motorhome lots were over the property line. In the history of Sportsman’s Supply, the issue of not having a large enough lot for an RV park never came up.

The Pierces bought the business from the John Chapple III family, who in turn bought it from Dickie Gregoire.

When the Pierces renewed their lease in 2008, Sportsman’s Supply got to have the RV park.

“Everything you see was here when we came,” Marcia Pierce said last Thursday. “Nothing (about the issue) was brought up then. Not a thing,” Pierce said.

Homer Harbormaster Bryan Hawkins said the Pierces aren’t the first people to be told to move motorhomes. Not that many people stay in them, but a few do. Some people have been caught by surprise, he said.

“They realize that wasn’t allowed and we’ve had to call them to task over it,” Hawkins said. “Sometime there was resistance because it didn’t meet their plans.”

Hawkins, Abboud and City Manager Katie Koester’s team review the about 25 upland leases around the harbor. None of them were senior officials with the city in 2008 when the Pierces last renewed their lease. The lease renewal process gives the city leverage to address zoning issues.

“There was an issue that got through. Now we’re scrutinizing that lease because it’s coming up for its term,” Hawkins said. “At that time we have to sit down and look at that property and see what’s going on.”

So why didn’t the 10-unit RV park get dinged before? Hawkins said partly that reflects the growing demand for leases. When Gregoire built the park in the 1980s, the Spit had a lot of available land.

“Today there’s not. Every time a lease comes up for renewal or transfer, we’re looking at it through a different view,” Hawkins said. “Is this the highest and best use? ... It’s more strict now than it used to be.”

Hawkins said he understands how a business owner might feel.

“Now you’re the one in the hot seat. Of course you’re going to look at your neighbor and say ‘What about them?’” he said.

The city also could enforce zoning regulations more strictly.



"Then we'd be accused of not being business friendly," Hawkins said. "You're trying to balance it. You're trying to be fair."

Pierce said they plan to comply with the city's lease renewal conditions and hope that the caretaker change will come through.

"I'm just trying to get this past," she said. "I've been here 18 years. It's not like I haven't paid my taxes."

Michael Armstrong can be reached at michael.armstrong@homernews.com (<mailto:michael.armstrong@homernews.com>).

Comments

A Facebook login using a real name is required for commenting. Respectful and constructive comments are welcomed. Abusers will be blocked and reported to Facebook.

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MORRIS ALASKA NEWS

Julie Engebretsen

From: Rick Abboud
Sent: Tuesday, July 11, 2017 10:10 AM
To: Julie Engebretsen
Subject: FW: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

-----Original Message-----

From: Frank Griswold [mailto:fsgriz@alaska.net]
Sent: Monday, July 10, 2017 9:15 AM
To: Department Planning <Planning@ci.homer.ak.us>
Cc: Melissa Jacobsen <MJacobsen@ci.homer.ak.us>; Rick Abboud <RAbboud@ci.homer.ak.us>
Subject: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

Dear Planning Commissioners:

Eighteen years of not enforcing the zoning code requirements re: caretaker motorhomes on the Homer Spit has erroneously led some flagrant zoning violators, as well as some Councilmembers, to believe that longstanding illegal use becomes an entitlement. The size requirements for RV parks within the Marine Commercial District and associated restrictions on caretaker motorhomes have a presumption of validity and should not be arbitrarily changed to accommodate private business interests. Not only would this constitute spot zoning but it would set a precedent leading to a barrage of requests for further "business friendly" code changes by other zoning code violators. What might be friendly to one business could be unfriendly/unfair to another, such as the English Bay Corporation which constructed Heritage RV Park in accordance with the zoning laws. Promoting caretaker motorhomes and relaxing the standards for RV parks in the Marine Commercial District is not an objective of the Homer Comprehensive Plan and rightfully so. There is no public need for relaxing RV park standards in the Marine Commercial District or anywhere else on the Homer Spit where another tsunami is long overdue. Homer does not need to pander to zoning violators in order to be "business friendly." If the City's zoning code enforcement policy is to abate violations by continually relaxing the zoning code then there is no point in having a zoning code. It would be prudent for the Planning Commission to seek a formal legal opinion addressing spot zoning concerns before considering any amendments to the current RV park requirements within the Marine Commercial District.

Frank Griswold

Deputy City Planner Engebretsen noted the additions which were highlighted in yellow in their packets. She further noted that she added “Maintaining existing city services. Adjust the level of service when revenues fluctuate.” In response to the input from Town Hall meetings in 2015.

Commissioner Highland inquired if they should add a reference to agriculture.

Ms. Engebretsen noted that most of that is outside city limits and would be good to include but will discuss with the City Planner and bring it back to the commission.

B. Staff Report 17-65, Proposed draft ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record and requested to hear Staff Report 17-65, Proposed draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District. Deputy City Planner Engebretsen requested input on the concept of caretaker/employee/business owner living in an RV on site on the Spit.

Discussion ensued on the public opinion included in the packet, that there will be a full or nearly full commission at a later meeting to facilitate the discussion.

ABRAHAMSEN/VENUTI –MOVE TO SCHEDULE A JOINT WORKSESSION WITH THE PORT & HARBOR ADVISORY COMMISSION.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Staff requested specific points that the Commission would like to discuss during the worksession. The following was listed:

- Health and human safety issues such as hookups and living in a Tsunami zones
- Size screening and location,
- Choice limited to one – a living arrangement within the building or an RV, not both

INFORMATIONAL MATERIALS

- A. City Manager’s Report for the City Council Meeting of June 21, 2017
- B. KPB Notice of Decisions
 - Hodnik Subdivision Preliminary Plat Time Extension Request
 - Bay View Subdivision Northwind 2017 Replat Preliminary Plat
 - Chamberlain and Watson Subdivision 2017 Preliminary Plat
 - Glory View Subdivision Church of the Nazarene Addition Preliminary Plat



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Staff Report PL 17-71

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 2, 2017
SUBJECT: Proposed draft ordinance to allow one Recreational Vehicle (RV) as an accessory use in the Marine Commercial Zoning District

Introduction

The Port and Harbor Commission reviewed staff report PL 17-65 at their meeting on Wednesday, July 26th. City Planner Abboud attended the meeting. The Commission discussed a wide range of issues. The conclusion of their discussion was a motion to move forward with exploring the idea of an RV for caretakers. The motion passed 6-1.

Analysis

At this time, staff no longer recommends a joint work session between the two Commissions. Instead, staff would like the HAPC to discuss this topic at the work session to provide guidance on how (or if) the HAPC would like to move forward, and what issues to potentially address in an ordinance.

At the HAPC meeting of July 19, 2017, issues the Commission raised included:

- Health and human safety issues such as hookups and living in a Tsunami zone
- Size, screening, location and duration
- Choice of limiting to one option – either living above a shop, or an RV, but not both. Renting out attic apartments and having an RV onsite

Staff Recommendation

At the work session, talk about RV's as a dwelling unit for caretakers, employees or business owners on the Spit.

PENDING BUSINESS

- A. Staff Report 17-71, Proposed Draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record. City Planner Abboud noted the discussion held during the worksession and will bring back a Staff report addressing those recommendations and concerns for the next meeting.

The Commissioners continued discussions and recommendations to use to draft an ordinance using a RV as a dwelling unit for caretakers, employees or business owners on the Spit. The commission expressed allowing this use in the commercial and industrial areas going forth in drafting the ordinance – particular issue in both areas is people camping on the spit in the winter which was noted that they could allow temporary usage from April 15-Sept 15 in one area of the spit that would assist in not having derelict RV's all over on the spit. That would allow the lessee to come and earlier or later than those dates they can rent a camping spot for a few weeks.

There was no further discussion.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for July 24, 2017 City Council Meeting
B. KPB Notice of Decisions:
- Bay View Subdivision 2017 Replat Preliminary Plat
 - Foothills Subdivision Sunset View Estates Addition No. 3 Preliminary Plat
 - Sterling Highway & Main Street Intersection Improvements Right-of-Way Acquisition Plat

There were no comments or discussion on the materials provided.

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF

Deputy City Clerk Krause commented that tonight was interesting she is learning quite a bit.

COMMENTS OF THE COMMISSION

Commissioner Banks commented on a fun way to get started with the commission.

Commissioner Venuti welcomed Commissioner Banks.



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Staff Report PL 17-77

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 16, 2017
SUBJECT: RV's as employee dwelling units

Introduction

The Commission discussed RV's as dwelling units on the Spit at the last work session. Staff has continued to work on draft regulations.

Analysis

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. A home owner can have someone stay in an RV as a guest for up to 90 days a year. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. Staff took this section of code and modified it for potential use on the Spit. The bold underlined sections are for the Commission to consider.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

1. Allowable number of RV's per lot in Marine Commercial and Marine Industrial?
2. Allow hook ups to City water and sewer?
3. Length of time - permanent? 4 months? April 1 to October 1?
(Work seems to begin on Spit business around April 1st.)

Other considerations

1. Should the RV be registered? Is this something we want to enforce through the zoning code? The only other place title 21 addresses registered vehicles is in the definition of junk.

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

- a. As an accessory to a permitted structure a lot, **one** recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. **(More allowed for MI?)** A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with **Public Works approval**. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.
- b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.
- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) of this section may not exceed a total of **(Timeframe?)(120 days?) (April 1- October 1?)** Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

Staff Recommendation: Discusses the questions above and provide direction to staff.

Session 17-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on August 16, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, STEAD, BENTZ, HIGHLAND AND VENUTI

ABSENT: COMMISSIONER BANKS

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Catherine Ulmer, resident, a member of the Port and Harbor Advisory Commission, commented on the work that that commission has been doing to clean up the spit and as such they have been putting requirements into the leases, they govern the hours that businesses are open so that no one is out on the Spit late at night. There are rules about motorhomes on the spit and they do not want motorhomes used as caretaker residences. She did not support using motorhomes as caretaker residences on the spit. Ms. Ulmer recommended using the RV parks that is already established. She suggested instituting charging rates for those that want to be there beyond the regular season, suggesting \$75-\$100 per night, saying she would prefer seeing a connex attached to the building. Ms. Ulmer requested the support of the Planning Commission in maintaining the Port & Harbor's goals.

Ms. Ulmer affirmed for Commissioner Highland that she is representing the Port & Harbor Commission and the people who live in Homer.

Marcia Pierce, resident of Soldotna, owner of Sportsman Supply, has had her motor home next to the business on the spit for 18 years. Nothing bad about it very clean, she stated she maintains a home in Soldotna and she noted they reside in the motorhome from February to September every year. Ms. Pierce stated that she has her office in her motorhome and everything else she requires to run the business. The previous comment regarding one

↑
motorhome on the spit is incorrect, Ms. Pierce noted that there are about 10 sites that had motorhomes on the spit. She did have a RV Park but this year it was taken away from her because she did not have 40,000 square feet. Ms. Pierce stated that her motorhome is fully functional and can be moved in case of fire or other hazard. She noted that it would okay to build a home down there but not a motorhome. She has had her motorhome there for 18 years and just renewed her lease for 20 years and would like to keep it there for her use.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of August 2, 2017 regular meeting

Chair Stead requested a motion to approve the consent agenda.

BOS/BENTZ – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report PL 17-73 City Planner's Report

City Planner Abboud apologized for the confusion regarding the report in the packet and the correct one has been provided as a laydown. He reviewed his report and noted that the Council discussed budget priorities at the council meeting on Monday, August 14, 2017 he provided a memo on Cold Weather shelters which is included in the packet.

- extended invitation to the Commissioners to attend the FEMA Resilience meeting regarding natural hazards and mitigation of infrastructure is scheduled on August 24, 2017 in Council Chambers , 9:00-Noon

- Planning staff attended a Smart Growth seminar held by the Kachemak Bay Realtors spoke on funding available for small projects such as parks and gathering places and use of drones

- Requested volunteers to attend the Council meetings on September 11th, there was none forthcoming.

Commissioner Bentz requested the dates of the Council meeting to be noticed when the email stating the packet is ready to pick up would be good then commissioners can check their calendars and be prepared for the meeting.

Commissioner Bos departed the meeting at 8:15 p.m. Chair Stead called for a recess at the request of the commission. The meeting was called back to order at 8:2 p.m.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-77, Recreational Vehicle (RV) as Employee Dwelling Units

Chair Stead read the title into the record. City Planner Abboud commented on the discussion the commission had during the worksession at the previous meeting and noted the following:

- Current regulations allow RV's up to 90 days, but not allowed to hook up to city water and sewer
- There are a total of 22 lots in Marine Commercial and Marine Industrial
- The language proposed is conceptual the city attorney will draft the actual ordinance
- The Port and Harbor Advisory Commission voted six to one in favor of further exploration of the idea
- Some items to determine or clarify were:
 - o Allowable number of RV's per lot
 - o Allow hook up to city water and sewer
 - o Length of time - Permanent? 4 months? April 1- October 1?
 - o Should the RV be registered? Operable? The only other place that Title 21 addresses registered vehicles is in the definition of junk.

Commissioner Highland noted that a short report of what was discussed at the worksession would have been very helpful in the minutes since she was unable to attend the last meeting. She was unaware how this could be accomplished but it would be a value added to the minutes. She asked if a memo was received from the Port & Harbor Commission.

City Planner Abboud explained that there was a discussion with the Port and Harbor Advisory Commission and they voted six to one in favor of further exploration of the idea and the information in the packet represents what came from the prior meeting and worksession. He further noted that nothing was set in stone and there was still plenty of time to discuss and change things. The questions and concerns were listed and the definition of RV is for temporary use. The Planning Commission would work on it and have Public Hearings and they could adopt the code and see how it goes and make changes as necessary.

Discussion ensued on the concept to allow the RV's to encourage business; the community value; there is an allowance to bring in a structure in the code, differs in residential areas; improvements to lots; the prevalence of RV's currently on the Spit; the cost of an RV which is a self-contained living space; defining it as an accessory dwelling unit would cause conflict within in the city code; keeping it consistent in the code to just allow it for 90 days is really stringent and not necessary; intent or purpose of the need of an RV for an employee, caretaker or business owner; the number in non-compliance is unknown currently; preference not to allow more than one RV per lot whether Marine Industrial or Marine

Commercial; allowing hookup to city water and sewer; imposing a time frame with consideration of the ability to hook up to water and sewer was considered, questions asked of the member in the audience revealed that before city water and sewer was activated they use the city public facilities across the street and then they had their own water and sewer hookup for the season, it was determined that no time frame be implemented; concerns expressed regarding the vehicles being road worthy including road legal; motor homes do not detract from Spit.

Further discussion ensued on sending a memo to the Port and Harbor Commission on the proposed regulations, enforcing the regulations and current staffing will make it very difficult for the Planning department to enforce these new regulations; preference to make an annual inspection and or renewal of a permit and since that would only amount to 22 lots this should not prove to be too onerous on staff; the regulations that require 40,000 sf for a RV park were reviewed briefly and the situation on why the one was not allowed or renewed.

Chair Stead directed the commission back to the item on the agenda.

City Planner Abboud requested clarification on a requirement to hook up to city water and sewer. Commissioner Bentz stated that how it was worded in the packet would suffice and could be included in the annual permit requirement.

City Planner Abboud will bring the Commission's recommendations to the Port and Harbor Advisory Commission for review and comment.

B. Staff Report 17-78, comprehensive Plan Update – Chapter 6 Public Services and Facilities

Chair Stead read the title into the record.

City Planner Abboud commented that they were almost down to the final stretch. He stated that this represents the formatting changes, includes staffing levels desired, equipment priorities, increasing volunteers, providing ample public safety. These are the first two objectives and there are still several more to work on.

Most of the Chapter stayed the same.

Commissioner Highland inquired if it was true on the number reflected in the statement on page 122 under Objective A, Current Status, fifth line, approximately 30 individuals support the department's staff. City Planner Abboud responded that the Chief's reviewed this and provided the information.

Commissioner Highland then questioned, on page 123, Under Near-term Priorities, line 9, in 20XX?

City Planner Abboud will need to research what year that should reflect. He also noted that the Police Department is now at full staffing for officers.



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Memorandum

TO: Port and Harbor Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 17, 2017
SUBJECT: RV's as dwellings on the Spit

Introduction

The Homer Advisory Planning Commission discussed allowing RV's as dwelling units at their August 16th meeting, and came to the following consensus:

1. RV's used as dwellings should be allowed on a permanent basis. There is no seasonal time limit. RV's do not have to move at any time.
2. Only 1 RV is allowed per lot.
3. City water and wastewater hook ups are not required, but should be allowed.
4. RV's should be parked safely.

Rough draft code language:

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

a. As an accessory to a permitted structure a lot, one recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with Public Works approval. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.

b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.

- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) is allowed without a time limit.
- d. Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

The Commission also suggested some sort of annual permit review, to verify people living in the RV are employees. Planning staff is not sure how to best accommodate this idea.

Staff Recommendation

Discuss the recommendations of the Planning Commission and provide any comments. The next step is for staff to work with the attorney to create a draft ordinance, and for the Planning Commission to hold a public hearing.

Attachments

Minutes excerpt of August 16, 2017

- Wireless Edge is building a communications tower on the spit. There is no timeline yet for when it will be complete.
- Met with the New Captain of the Port for the Coast Guard and had a good introduction.
- Maintenance and Repairs were done on the tug in the beginning of August; including engine tune up and new couplings.
- Met with Senator Murkowski's Aids and talked about Harbor Expansion.
- Auction Block has filed for bankruptcy but the buyers are still interested and still plan on buying the space.
- Several EMS call outs
- High Mast Light project started in August and will be complete on the 28th of September.
- Invited to speak at SOBA Conference about clean harbors, grants, and projects
- EMS Response to fuel float assisted by Matt Clarke. AED was used and the man survived.
- Arctic Works will be in Homer the first week of October for inspection.

Commissioner Donich suggested that the Port and Harbor make it known to the public that the Fishing License Fees goes into new developments at the Harbor. Mr. Donich explained that people like to know where their money is going.

PUBLIC HEARING

PENDING BUSINESS

A. Caretaker RV's on the Spit

I. Memo to Port and Harbor Advisory Commission from Deputy City Planner Re: RV's as Dwellings on the Spit August 17, 2017

I. Planning Advisory Commission Meeting Minutes August 16, 2017

City Planner Rick Abboud addressed the commission about the Caretaker RV on the Spit issue. Mr. Abboud explained that the Planning Commission has set up some basic rules for the RV process. Mr. Abboud explained that the more rules the commission sets in place, the harder it will be to enforce rules. The following are points that Mr. Abboud covered;

- RV's used as dwellings should be allowed on a permanent basis
- There is no seasonal time limit
- RV's do not have to move at any time
- Only one RV per lot is allowed
- City water and wastewater hook up are not required, but should be allowed
- RV's should be parked safely
- Only for Owner or Employee, No Renting or Leasing allowed

Commissioner Ulmer asked Mr. Abboud why the people who already have RV's on their property don't get grandfathered in; instead of changing all of City Code.

Mr. Abboud replied by saying that in order to grandfather someone in, having caretaker RV's would have to have been legal at the time the RV was placed on the lot. So because it is illegal to live in RV's, it wouldn't be just to grandfather them in.

Commissioner Stockburger mentioned that he thought there was going to be some sort of rule stating that the RV's had to be mobile. His concern is that the RV's will start to become part of the structure and become permanent. Mr. Abboud stated he would look into this farther and bring it back at another meeting.

Harbormaster Hawkins explained his concerns about the RV's and properties becoming junk yards. He explained that the Harbor has worked very hard to clean up junk and he worries that it will be taking a step backwards by allowing people to live onsite all year round. He also stated that animals would also be an issue of concern and they would need to set rules of what kinds they will allow and what kinds they won't.

NEW BUSINESS

INFORMATIONAL ITEMS

- A. Port & Harbor Monthly Statistical Report for July 2017
- B. Port & Harbor Monthly Statistical Report for August 2017
- C. Water/Sewer Bills Report July 2017
- D. Water/ Sewer Bills Report August 2017
- E. Crane and Ice Report
- F. Deep Water Dock Report
- G. Pioneer Dock Report
- H. Dock Water Report
- I. Council Meeting Attendance

Commissioner Carroll stated that he would not be here in October, so they would have to make other arrangements for someone to attend the Council Meetings. Commissioner Donich stated that he would be able to make the later meeting on the 23rd. Commissioner Hartley confirmed that he will be at the November Council Meeting.

Harbormaster Hawkins brought attention to the November 15th Regular Meeting. He explained that he will be out of town for the Expo in Seattle as will many Commissioners. He said it may be in our best interest to cancel the November 15th Meeting.

The November 15th Regular Meeting has been cancelled by general consensus of the commission.

COMMENTS OF THE AUDIENCE

COMMENTS OF CITY STAFF



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Staff Report PL 17-92

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 6, 2017
SUBJECT: RV's as employee dwelling units in MI and MC Districts

Introduction

The Commission has provided the Planning Office with the parameters under which this ordinance is acceptable. The City Attorney has reviewed and provided the draft ordinance.

Analysis

The ordinance starts with the addition of "Employee-occupied recreational vehicle" in the Definitions used in zoning section of code, 21.03.040. In order to amend this section all current definitions are included since there are no breaks in the alphabetical list of definitions. This is found on lines 289 – 290.

"Employee-occupied recreational vehicle" means a recreational vehicle provided to an employee by his or her employer for housing.

No more amendment are found until Section 2, line 902. Here you will find the provision for the RV's in the code that borrows the existing code related to standards of RV parks. Added is HCC 21.54.325, Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District. You will find standards for the use including:

- Allowance for one (1) per lot
- Must have receptacle for the collection of solid and semi-solid wastes
- Must be parked safely
- Must be operable on the road
- May not occupy an otherwise required parking space
- May be hooked up to water and sewer with approval

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. This section of code was modified for use on the Spit.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

Staff Recommendation: Hold a public hearing and make recommendation to City Council or Planning Department.

Attachments

Draft Ordinance

Memorandum PL 17-08

August 17, 2017 Memo from Deputy City Planner to Port and Harbor Planning Commission

September 27, 2017 Meeting Minutes of the Port and Harbor Planning Commission

August 16, 2017 Staff Report PL 17-77

August 16, 2017 Meeting Minutes of the HAPC

August 2, 2017 Staff Report PL 17-71

August 2, 2017 Meeting Minutes of the HAPC

July 19, 2017 Staff Report PL 17-65

- Could try a limited or trial period zoning to see how this zoning would work.
- Postponement until a full Commission is present
- Laws regarding open container alcohol versus open consumption marijuana is not a zoning issue
- Legality on cruise ships is not a zoning issue
- Liquor stores are considered retail operations, and are legal
- Marijuana is different in that the State has decided to abide by the Cole Memorandum
- Marijuana is on the spit and currently would be considered black market, the voters have spoken, it is legal and as testified tonight there is the revenue aspect
- Marijuana is still illegal in Federal waters, is not allowed on a vessel and so there is hesitation on providing a legal source on the spit.
- Letters received in support and against and it still carries the connotation of illegality

VENUTI/BANKS MOVED TO RECOMMEND CITY COUNCIL ALLOW RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020

Discussion ensued on separating the law enforcement issues from the zoning issues.

HIGHLAND/VENUTI MOVED TO POSTPONE TO THE JANUARY 17, 2018 MEETING UNTIL A FULL COMMISSION IS PRESENT.

Brief discussion on attendance of commissioners.

VOTE. (Postponement)NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 17-92, Ordinance to Allow One Employee Occupied RV per lot in the Marine Commercial and Marine Industrial Districts under Homer City Code 21.54

City Planner Abboud reviewed the staff report.

There was no applicant and Chair Stead opened the Public Hearing.

Don Tippy, city resident, commented and requested clarification on the definition that the recreational vehicle is provided to an employee by his or her employer for housing, he manages a business on the spit, works 16 hours days and owns an RV. He would like to know why that is a preference for the employer to provide the RV since if he owned a business he would not be buying an employee a RV to live in unless they could charge the employee but according to the rules that's not allowed.

Chair Stead allowed City Planner Abboud to respond to the request for clarification.

City Planner Abboud responded that it was a provision provided by the City Attorney to assist in enforcement of the regulation.

There was no more public testimony and Chair Stead closed the Public Hearing.

A discussion ensued on the intent of the definition and application, what was covered under the term “recreational vehicle”; that a business owner was not an employee in accordance with the Internal Revenue Service; the requirement on the owner to provide the housing; the difficulty to enforce; suggestions to reword the definition to address the intent of the Commission and provide clarification and comment received from the public.

VENUTI MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

BANKS/VENUTI MOVED TO AMEND TO READ AS EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR THE OWNER FOR HOUSING.

There was a brief discussion on the intent of the motion. There was a question on including his or her term in the definition.

Chair Stead re-stated the amendment to the main motion:
MOVED THAT “EMPLOYEE OCCUPIED RECREATIONAL VEHICLE” MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING

There was no additional discussion.

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

Motion carried.

Chair Stead inquired if there was additional discussion on the main motion as amended.

Hearing none, Chair Stead re-stated the main motion as amended:
MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

Chair Stead requested a motion to recommend the draft ordinance to City Council.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT 17-92 TO ALLOW ONE EMPLOYEE OR BUSINESS OWNER OCCUPIED RECREATIONAL VEHICLE PER LOT IN THE MARINE COMMERCIAL AND INDUSTRIAL DISTRICTS UNDER HOMER CITY CODE 21.54

BANKS/HIGHLAND MOVED TO APPEND THE MOTION TO FORWARD THE DRAFT ORDINANCE AS AMENDED TO CITY COUNCIL.

There was brief discussion on public comments submitted and enforcement once this is implemented.

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

Motion is carried.

Chair Stead inquired is there was any additional discussion on the motion as amended.

There was no further discussion.

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

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-93, Comprehensive Plan Update, Chapter 6 Public Services and Facilities

Chair Stead read the title into the record and invited City Planner Abboud to review his report.

Commissioner Banks requested a brief recess. Chair Stead called for a five minute recess at 7:48 p.m. The meeting was called back to order at 7:53 p.m.

City Planner Abboud reviewed the additions submitted to Chapter 6 by Public Works Director Meyer. He provided clarification at the request of commissioners on the following:

- pages 141 and 142, Section I-F-4 and I-F-7
- The existing sewer system is adequate to handle additional needs of the city as shown by the information provided by Public Works Director Meyer.

City Planner Abboud noted that this document will be combined and a draft comprehensive plan should be available for input from the public after the first of the year. He anticipated conducting possibly an Open House event, putting notices in the paper and having electronic options for public input.

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.03.040 TO DEFINE “EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES” AND AMENDING HCC CHAPTER 21.54 TO ADD HCC 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS AND AMENDING HCC 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

WHEREAS, there are many commercial and industrial entities which have expressed interest in locating recreational vehicles on their work premises for the purpose of housing employees; and

WHEREAS, it is in the City’s best interest to support employer-provided housing so long as that housing does not place the City of Homer, its residents, and/or its citizens at risk; and

WHEREAS, permitting employee-occupied recreational vehicles in the marine industrial and commercial zoning districts falls within the purpose of those zoning districts and promotes the City’s best interest,

NOW THEREFORE, The City of Homer Ordains:

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

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

41 “Accessory use” means a use or activity that is customary to the principal use on the
42 same lot, and which is subordinate and clearly incidental to the principal use.

43 “ADT” or “average daily traffic” means the estimated number of vehicles traveling
44 over a given road segment during one 24-hour day. ADT is usually obtained by
45 sampling and may be seasonally adjusted.

46 “Adverse impact” means a condition that creates, imposes, aggravates or leads to
47 inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site
48 proposed for development or on off-site property or facilities.

49 Aggrieved. See “person aggrieved.”

50 “Agricultural activity” shall mean farming, including plowing, tillage, fertilizing,
51 cropping, irrigating, seeding, cultivating or harvesting for the production of food and
52 fiber products (excluding commercial logging and timber harvesting operations); the
53 grazing or raising of livestock (excluding feedlots); aquaculture; sod production;
54 orchards; Christmas tree plantations; nurseries; and the cultivation of products as part
55 of a recognized commercial enterprise. “Agricultural activity” excludes private stables
56 and public stables.

57 “Agricultural building” means a building used to shelter farm implements, hay, grain,
58 poultry, livestock, horticulture, or other farm products, in which there is no human
59 habitation and which is not used by the public.

60 “Aisle” means an area within a parking lot that is reserved exclusively for ingress,
61 egress and maneuvering of automobiles.

62 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a
63 secondary means of access to abutting property.

64 “Alteration” means any change, addition or modification in construction, occupancy or
65 use.

66 “Animal unit equivalent” is a convenient denominator for use in calculating relative
67 grazing impact of different kinds and classes of domestic livestock. An animal unit
68 (AU) is generally one mature cow of approximately 1,000 pounds and a calf as old as
69 six months of age, or their equivalent. Animal unit equivalents vary according to kind
70 and size of animals.

71 The following table of AU equivalents applies to the Homer Zoning Code.

Kinds and classes of animals equivalent	Animal- unit
--	-------------------------

Kinds and classes of animals equivalent	Animal-unit
Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	

72 0.10 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted
73 species require application to the Planning Commission for determination of AU
74 equivalents.

75 Apartment House. See “dwelling, multiple-family.”

76 “Area, building” means the total area, taken on a horizontal plane at the main grade
77 level, of a building, exclusive of steps.

78 “Area, floor” means the total area of all floors of a building as measured to the outside
79 surfaces of exterior walls, including attached garages, porches, balconies, and other
80 structures when covered by a roof.

81 “Area, footprint” has the same meaning as “area, building.”

82 “Area, lot” means the total horizontal net area within the boundary lines of a lot,
83 exclusive of rights-of-way for streets and alleys.

84 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on
85 a lot to the area of the lot.

86 “Arterial” means a street whose principal function is the transmission of vehicular
87 through-traffic, that performs a major role in serving the transportation needs of the
88 community, and that is identified as a “major arterial” or “community arterial” in the
89 Homer Roads and Streets Master Plan.

90 “Assisted living home” has the meaning given in AS 47.32.900.

91 “Auto and trailer sales or rental area” means an automobile related use that may
92 consist of any combination of the following:

- 93 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
94 or sale;
- 95 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
96 trailers, and sale of parts and accessories customarily incidental to the sale of such
97 vehicles; and
- 98 3. Buildings at the location of a motor vehicle dealership used for auto repairs
99 customarily incidental to the operation of a dealership.

100 “Auto fueling station” means any premises used to sell motor fuels and lubrication to
101 motor vehicles. An auto fueling station may include the sale of minor accessories.
102 Auto fueling station does not include auto repair.

103 “Auto repair” means service and repair of motor vehicles, trailers and similar
104 mechanical equipment, including painting, upholstering, rebuilding, reconditioning,
105 body and fender work, frame straightening, undercoating, engine or transmission
106 rebuilding or replacement, tire retreading or recapping, and the like. It also includes
107 minor service work to automobiles or light trucks including tune up, lubrication,
108 alignment, fuel system, brakes, mufflers, and replacement of small items.

109 “Basement” means any floor level partly or wholly underground, except when such
110 floor level meets the definition of “story.”

111 “BCWP district” means the “Bridge Creek Watershed Protection District” described in
112 Chapter 21.40 HCC.

113 “Bed and breakfast” means a dwelling in which an individual or family resides and
114 rents bedrooms in the dwelling to overnight guests, if the bed and breakfast use is
115 accessory to the principal use of the dwelling as the primary residence of the operator.
116 If the dwelling has six or more bedrooms available for rental to overnight guests it is a
117 hotel and not a bed and breakfast.

118 “Bluff” means an abrupt elevation change in topography of at least 15 feet, with an
119 average slope of not less than 200 percent (two feet difference in elevation per one
120 foot of horizontal distance).

121 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage
122 of boats.

123 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at
124 Bridge Creek.

125 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination
126 thereof used to physically separate or screen one use or property from another so as to
127 shield or block visibility, noise, lights, or other undesirable effects.

128 “Buffer, runoff” means an area of natural or planted vegetation through which
129 stormwater runoff flows in a diffuse manner so that the runoff does not become
130 channelized and that provides for infiltration of the runoff and filtering of silt and
131 pollutants. The buffer is measured landward from the normal full water elevation of
132 impounded structures and from the top of the bank of each side of a stream, river,
133 ditch, or other channel.

134 “Buffer, stream” means a runoff buffer of a designated distance on each side of a
135 channel measured perpendicularly from the top of the bank of each side of a stream,
136 river, ditch, or other channel.

137 “Building” means any structure used or intended for supporting or sheltering any use
138 or occupancy.

139 “Building construction” means the placing of construction materials in a permanent
140 position and fastened in a permanent manner in the course of constructing or erecting a
141 building.

142 “Building height” is the vertical distance from grade to the maximum point of
143 measurement of the building, measured according to HCC 21.05.030.

144 “Building, main” means the building of chief importance or function on the lot.

145 “Business, open air” or “open air business” means the retail sale or display of
146 merchandise or services, including but not limited to farmers’ markets and flea
147 markets, conducted outdoors or under a canopy for protection from the elements and
148 held on a regular or periodic basis. Open air business does not include (1) outdoor
149 display or sales of goods or services by a retail or wholesale business that is
150 principally located in a building, or (2) sales, services or rentals of any kind of boat or
151 motorized vehicle.

152 “Business, retail” means a place of business principally engaged in selling goods,
153 substances or commodities in small quantities to the ultimate consumer, and may
154 include rendering services incidental to the sale of such goods, substances or
155 commodities. The term “retail business” does not include, as either a principal or
156 accessory use, automobile oriented uses, the sale, rental, storage, service, or repair of
157 any motor vehicles, or any use separately defined or listed in any zoning district.

158 “Business, wholesale” or “wholesale” means a place of business principally engaged
159 in selling or distributing goods, substances or commodities in quantity to retailers or to
160 industrial, commercial or institutional users mainly for resale or business use.

161 “Campground” means a parcel of land where two or more campsites are located that
162 provides facilities for temporary recreational living in any manner other than a
163 permanent building.

164 “Cemetery” means land used or intended to be used for burial of the dead and
165 dedicated for cemetery purposes, including columbaria and mausoleums when
166 operated in conjunction with and within the boundary of such cemetery.

167 “Channel protection storage volume” or “Cpv” means the volume used to design
168 structural management practices to control stream channel erosion.

169 Church. See “religious, cultural, and fraternal assembly.”

170 “City Engineer” means an engineer within the Homer Department of Public Works
171 designated by the Director of Public Works.

172 “Clearing” means the removal of trees and brush from the land, but shall not include
173 the ordinary pruning of trees or shrubs or mowing of grass.

174 “Clinic” means a professional office with facilities for providing outpatient medical,
175 dental or psychiatric services, which may include as incidental to the principal use a
176 dispensary to handle medication and other merchandise prescribed by occupants in the
177 course of their professional practices.

178 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of
179 oil-attracting plates. Oil droplets collect and float to the surface, where they can be
180 skimmed off or removed mechanically and separators may be installed above or below
181 ground.

182 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line
183 of Kachemak Bay.

184 “Cold storage” means a building equipped with refrigeration or freezing facilities that
185 provides cold or frozen storage or freezing services.

186 “Collocation” means the placement or installation of wireless communications
187 equipment on an existing wireless communications support structure or in an existing
188 equipment compound.

189 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a
190 commercial motor vehicle or any motor vehicle with signs or logos exceeding nine
191 square feet in combined area.

192 “Commission” means the Homer Advisory Planning Commission.

193 “Community Design Manual” means the Community Design Manual for the City of
194 Homer, adopted by City Council Resolution 04-34, as may be amended from time to
195 time.

196 Comprehensive Plan. See HCC 21.02.010.

197 “Construction camp” means one or more buildings, trailers, mobile homes or similar
198 structures used to house workers or employees for logging, mining, off-shore and on-
199 shore construction, development and other projects, installed primarily for the duration
200 of the project or operation and not open for use by the general public as
201 accommodations or for permanent mobile home living.

202 “Date of distribution” means the date on which a City official mails a written decision
203 or order issued under the zoning code or, if the document is personally delivered, the
204 date of such personal delivery.

205 “Day care facility” means any establishment for the care of children, whether or not
206 for compensation, excluding day care homes and schools. Such day care facility must
207 also be duly licensed by the State, if so required by State law or regulation.

208 “Day care home” means the principal dwelling unit of one or more persons who
209 regularly provide(s) care, in the dwelling unit, whether or not for compensation, during
210 any part of the 24-hour day, to eight or less children at any one time, not including
211 adult members of the family residing in the dwelling. The term “day care home” is not
212 intended to include baby-sitting services of a casual, nonrecurring nature, child care
213 provided in the child’s own home, or cooperative, reciprocating child care by a group
214 of parents in their respective dwellings.

215 “Department” or “Planning Department” means the department or division of the City
216 of Homer under the direction of the City Planner, whose functions and powers include
217 the administration and enforcement of the zoning code as described in Chapter 21.90
218 HCC.

219 “Design year” means the year that is 10 years after the opening date of development.

220 “Detention, extended” means a stormwater design feature that provides gradual release
221 of a volume of water in order to increase settling of pollutants and protect downstream
222 channels from frequent storm events.

223 “Detention structure” means a permanent structure for the temporary storage of water
224 runoff that is designed so as not to create a permanent pool of water.

225 “Develop” or “development activity” means to construct or alter a structure or to make
226 a physical change to the land, including but not limited to excavations, grading, fills,
227 road construction, and installation of utilities.

228 “Development” means all manmade changes or improvements on a site, including
229 buildings, other structures, parking and loading areas, landscaping, paved or graveled
230 areas, and areas devoted to exterior display, storage, or activities. Development
231 includes improved open areas such as public spaces, plazas and walkways, but does
232 not include natural geologic forms or unimproved land. See also “project.”

233 “Development activity plan” or “DAP” means a plan, prepared according to standards
234 set forth in this title, that provides for the control of stormwater discharges, the control
235 of total suspended solids, and the control of other pollutants carried in runoff during
236 construction and the use of the development.

237 “Development, new” means development on a site that was previously unimproved or
238 that has had previously existing buildings demolished.

239 “Direct discharge” means the concentrated release of stormwater to tidal waters or
240 vegetated tidal wetlands from new development or redevelopment projects in critical
241 habitat areas.

242 “Dividers” means areas of landscaping that separate from each other structures or
243 improvements, including parking lots or buildings.

244 “Dog lot” means any outdoor area where more than six dogs over the age of five
245 months are kept.

246 “Dormitory” means a building or portion of a building that provides one or more
247 rooms used for residential living purposes by a number of individuals that are rented
248 or hired out for more than nominal consideration on a greater than weekly or pre-
249 arranged basis. A building or structure that provides such rooms on less than a weekly
250 basis shall be classified as a “hotel” or “motel,” “rooming house,” or other more
251 suitable classification. “Dormitory” excludes hotel, motel, shelter for the homeless and
252 bed and breakfast.

253 “Drainage area” means that area contributing water runoff to a single point measured
254 in a horizontal plane, which is enclosed by a ridge line.

255 “Dredging/filling” means an activity that involves excavating along the bottom of a
256 water body for the purpose of channeling, creating a harbor, mineral extraction, etc.,
257 and the subsequent deposition of the dredge material to build up or expand an existing
258 land mass or to create a new one.

259 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected
260 to the ground.

261 “Drive-in car wash” means automated or manual car wash facilities and equipment
262 used for retail car wash services enclosed within a building, which may include

263 accessory vacuum cleaning and other equipment for car interior detailing outside of a
264 building.

265 “Driveway” means the aisle area within a parking lot which abuts designated parking
266 spaces and which is reserved exclusively for ingress, egress and maneuvering of
267 automobiles in and out of those spaces.

268 “Dwelling” or “dwelling unit” means any building or portion thereof designed or
269 arranged for residential occupancy by not more than one family and includes facilities
270 for sleeping, cooking and sanitation.

271 “Dwelling, duplex” means a building designed or arranged for residential occupancy
272 by two families living independently, the structure having only two dwelling units.

273 “Dwelling, factory built” means a structure containing one or more dwelling units that
274 is built off-site, other than a manufactured home, and: (1) is designed only for erection
275 or installation on a site-built permanent foundation; (2) is not designed to be moved
276 once so erected or installed; and (3) is designed and manufactured to comply with a
277 nationally recognized model building code or an equivalent local code, or with a State
278 or local modular building code recognized as generally equivalent to building codes
279 for site-built housing.

280 “Dwelling, multiple-family” means a building or a portion thereof designed for
281 residential occupancy by three or more families living independently in separate
282 dwelling units.

283 “Dwelling, single-family” means a detached dwelling unit designed for residential
284 occupancy by one family.

285 “Easement” means a grant or reservation by the owner of an interest in land for the use
286 of such land for a specific purpose or purposes, and which must be conveyed or
287 reserved by an instrument affecting the land.

288 Educational Institution. See “school.”

289 **“Employee-occupied recreational vehicle” means a recreational vehicle provided**
290 **to an employee by his or her employer for housing.**

291 “Entertainment establishment” means a public or private institution or place of
292 business providing live or pre-recorded shows or performances for entertainment.

293 “Equipment compound” means the area occupied by a wireless communications
294 support structure and within which wireless communications equipment is located.

295 “Extractive enterprises” means uses and activities that involve the removal of ores,
296 liquids, gases, minerals, or other materials or substances from the earth’s surface or
297 subsurface.

298 “Extreme flood volume” or “Qf” means the storage volume required to control those
299 infrequent but large storm events in which overbank flows reach or exceed the
300 boundaries of the 100-year floodplain.

301 “Family” means an individual or two or more persons related by blood, marriage or
302 adoption, or a group not to exceed six unrelated persons living together as a single
303 housekeeping unit in a dwelling unit.

304 “Farmers’ market” means a location where the primary activity is the sale of goods:

305 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
306 other plant products, or other processed agricultural products;

307 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
308 viticulture, vermiculture, aquaculture, eggs, honey and bee products;

309 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
310 case of prepared foods; or

311 4. Created, sewn, constructed, or otherwise fashioned from component materials by
312 the seller.

313 Fence Height. See HCC 21.05.030(d).

314 “Financial institution” means banks, credit unions, saving and loan companies,
315 stockbrokers, and similar businesses.

316 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak
317 discharge.

318 “Garage, parking” means any building (including an underground structure), except
319 one described as a private garage, used principally for the parking or storage of motor
320 vehicles.

321 “Garage, private” means a building, or a portion of a building, in which motor vehicles
322 used only by the occupants of the building(s) located on the premises are stored or
323 kept.

324 Garage, Public. See “auto repair.”

325 “Gardening, personal use” means gardening for personal purposes as an accessory use
326 to the primary residential use of a lot.

327 “Glare” means direct light emitted by a luminaire that causes reduced visibility of
328 objects or momentary blindness.

329 “Grade” in reference to adjacent ground elevation means the lowest point of elevation
330 of the existing surface of the ground within the area between the structure and a line
331 five feet from the structure.

332 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated,
333 scarified, or filled, or any combination thereof.

334 “Group care home” means a residential facility that provides training, care,
335 supervision, treatment or rehabilitation to the aged, disabled, infirm, those convicted of
336 crimes or those suffering the effects of drugs or alcohol. The term “group care home”
337 does not include day care homes, day care facilities, foster homes, schools, hospitals,
338 assisted living homes, nursing facilities, jails or prisons.

339 “Guest room” means a single unit for the accommodation of guests without kitchen or
340 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

341 “Guesthouse” means an accessory building without kitchen or cooking facilities and
342 occupied solely by nonpaying guests or by persons employed on the premises.

343 “Helipad” means any surface where a helicopter takes off or lands, but excludes
344 permanent facilities for loading or unloading goods or passengers, or for fueling,
345 servicing or storing helicopters.

346 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
347 regularly land and take off, and where helicopters may be serviced or stored.

348 Highway. See “street” and “State highway.”

349 “Home occupation” means any use customarily conducted entirely within a dwelling
350 or a building accessory to a dwelling, and carried on by the dwelling occupants, that is
351 clearly incidental and secondary to the use of the dwelling for dwelling purposes and
352 does not change the character thereof, and includes no display of stock in trade, no
353 outside storage of materials or equipment and no commodity sold upon the premises.
354 “Home occupation” does not include bed and breakfast.

355 “Hospital” has the meaning given in AS 47.32.900.

356 “Hostel” means any building or portion of a building containing dormitory-style
357 sleeping accommodations for not more than 15 guests that are used, rented or hired out
358 on a daily or longer basis.

359 “Hotel” or “motel” means any building or group of buildings containing six or more
360 guest rooms that are used, rented or hired out to be occupied for sleeping purposes by

361 guests. “Hotel” or “motel” also means any building or group of buildings containing
362 five or less guest rooms that are used, rented or hired out to be occupied for sleeping
363 purposes by more than 15 guests. The terms “hotel” and “motel” exclude bed and
364 breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

365 “Impervious coverage” means an area of ground that, by reason of its physical
366 characteristics or the characteristics of materials covering it, does not absorb rain or
367 surface water. All parking areas, driveways, roads, sidewalks and walkways, whether
368 paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick,
369 stone, wood, ceramic tile or metal shall be considered to be or have impervious
370 coverage.

371 “Impound yard” means a lot, establishment, area, facility or place of business used for
372 the temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or
373 other abandoned or illegally stored personal property pending determination of
374 possessory or proprietary rights therein. If impounded property is held in custody
375 longer than six months, it shall be classified as a junk yard and not an impound yard.

376 “Independent business” means a business establishment that operates independently of
377 other business establishments. If retail and wholesale business establishments have
378 common management or common controlling ownership interests, they are not
379 operated independently of one another.

380 “Infiltration” means the passage or movement of water into the soil surface.

381 “Islands,” when used to describe landscaped areas within parking lots, means compact
382 areas of landscaping within parking lots designed to support mature trees and plants.

383 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC
384 8.08.010.

385 “Joint use parking area” means a parking lot that contains required off-street parking
386 spaces for more than one lot.

387 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled,
388 discarded, or damaged goods or tangible materials. Junk includes, without limitation,
389 motor vehicles that are inoperable or not currently registered for operation under the
390 laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber,
391 paper, plastics, chemicals, and building materials that cannot, without further
392 alteration or reconditioning, be used for their original purpose.

393 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor
394 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping,
395 salvage or sale of junk.

396 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or
397 other animals at least four months of age are kept for boarding, propagation or sale. If
398 a use meets the definitions of both dog lot and kennel, it shall be classified as a dog
399 lot.

400 “Kitchen” means any room or part of a room intended or designed to be used for
401 cooking or the preparation of food. The presence of a range or oven, or utility
402 connections suitable for servicing a range or oven, shall be considered as establishing
403 a kitchen.

404 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and
405 wood chips, and decorative features, including sculpture.

406 “Level of service” or “LOS” means a qualitative measure describing operational
407 conditions within a traffic stream, based on service measures such as speed and travel
408 time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six levels
409 of service, from A to F, are used to represent a range of operating conditions with LOS
410 A representing the best operating conditions and LOS F the worst.

411 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in
412 their ability to maneuver within the traffic stream, passing demand is well below
413 passing capacity, drivers are delayed no more than 30 percent of the time by slow
414 moving vehicles.

415 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
416 restricted; passing demand approximately equals passing capacity, and drivers are
417 delayed up to 45 percent of the time; the level of physical and psychological comfort
418 provided to drivers is still high.

419 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
420 restricted and lane changes require more care and vigilance on the part of the driver;
421 percent time delays are up to 60 percent; traffic will begin to back up behind slow
422 moving vehicles.

423 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic
424 flow, density begins to increase somewhat more quickly, passing demand is very high
425 while passing capacity approaches zero, and the driver experiences reduced physical
426 and psychological comfort levels; the percentage of time motorists are delayed
427 approaches 75 percent, even minor incidents can be expected to back up traffic
428 because the traffic stream has little space to absorb disruptions.

429 5. “LOS E” means the LOS at which roadway is at capacity; the percentage of time
430 delay is greater than 75 percent, passing is virtually impossible, as there are virtually
431 no usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
432 maneuver, physical and psychological comfort afforded to the driver is poor.

433 6. “LOS F” means the LOS at which traffic is heavily congested with traffic demand
434 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
435 high.

436 “Light trespass” means light emitted by a luminaire that shines beyond the boundaries
437 of the property on which the luminaire is located.

438 “Living ground cover” means low growing, spreading, perennial plants that provide
439 continuous coverage of the area.

440 “Living plant life other than ground cover” means plants, including, but not limited to,
441 trees, flower beds, rock gardens, shrubs and hedges.

442 “Loading space” means an off-street space on the same lot with a building or
443 contiguous to a group of buildings, designated or intended for the use of temporarily
444 parked commercial vehicles while loading and unloading, and that abuts upon a street,
445 alley or other appropriate means of access.

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

449 LOS. See “level of service.”

450 “Lot” means a single parcel of land of any size, the boundaries of which have been
451 established by some legal instrument of record, that is recognized and described as a
452 unit for the purpose of transfer of ownership. It may shown on a subdivision plat map,
453 or record of survey map, or described by metes and bounds and recorded in the office
454 of the District Recorder. “Lot” includes tracts and parcels of land of any size or shape.

455 “Lot, corner” means a lot situated at the intersection of two or more streets having an
456 angle of intersection of not more than 135 degrees.

457 “Lot depth” means the horizontal distance between the front and rear lot lines
458 measured on the longitudinal centerline.

459 “Lot, interior” means a lot other than a corner lot.

460 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a
461 square, or nearly square-shaped, corner lot, or (2) a through lot, the owner may choose
462 which street to designate as the front of the lot by giving written notice to the
463 Department. Once the choice of frontage has been made, it cannot be changed unless
464 all requirements for yard space with the new front lot line are satisfied.

465 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line
466 and, in case of an irregular or triangular lot, a line 10 feet in length within the lot,
467 parallel to and at the maximum distance from the front lot line.

468 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

469 “Lot, through” means a lot having a frontage on two parallel or approximately parallel
470 streets.

471 “Lot width” means the width of a lot calculated according to HCC 21.05.050.

472 “Luminaire” means a complete lighting unit, including a lamp or lamps together with
473 parts to distribute light.

474 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire
475 above the horizontal plane through the luminaire’s lowest light emitting part, in its
476 mounted form either through manufacturing design or shielding.

477 “Luminaire, height of” means the vertical distance from the ground directly below the
478 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

479 “Ministorage” means one or more buildings containing units available for rent for the
480 purpose of the general storage of household goods and personal property in which
481 each unit (1) is separated from all other such units, (2) is fully enclosed, and (3) does
482 not have an area greater than 600 square feet.

483 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on
484 water flow and loss of ground cover, and may include systems of water impoundment,
485 settling ponds, grease and sand traps, and leach fields among others.

486 “Mobile commercial structure” means a structure constructed as a movable or portable
487 unit, capable of being transported on its own chassis or wheels, that is designed for
488 nonpermanent uses and placed on a nonpermanent foundation and is used in any
489 activity that promotes, supports or involves a land use permitted outright in the zoning
490 district in which the mobile commercial unit is to be placed.

491 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of
492 the zoning code, is treated as a temporary business.

493 “Mobile home” or “manufactured home” means a structure, transportable in one or
494 more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or
495 more in length, or when erected on site is 320 square feet or more; and (2) that is built
496 on a permanent chassis and is designed for use as a dwelling with or without a
497 permanent foundation when the plumbing, heating, and electrical systems contained
498 therein are connected to the required utilities. A mobile home shall be construed to
499 remain a mobile home whether or not wheels, axles, hitch or other appurtenances of

500 mobility are removed, and regardless of the nature of the foundation provided. A
501 mobile home shall not be construed to be a recreational vehicle or a factory built
502 dwelling.

503 “Mobile home park” means one or more lots developed and operated as a unit with
504 individual sites and facilities to accommodate two or more mobile homes.

505 “Native vegetation” means native plant communities that are undisturbed or
506 mimicked.

507 “Natural or manmade features” means features in landscaping other than plants,
508 including, but not limited to, boulders, or planters.

509 Nonconforming Lot. See HCC 21.61.010.

510 Nonconforming Structure. See HCC 21.61.010.

511 Nonconforming Use. See HCC 21.61.010.

512 “Nursing facility” means a facility that is primarily engaged in providing skilled
513 nursing care or rehabilitative services and related services for those who, because of
514 their mental or physical condition, require care and services above the level of room
515 and board. “Nursing facility” does not include a facility that is primarily for the care
516 and treatment of mental diseases or an assisted living home.

517 “Occupancy” means the purpose for which a building is used or intended to be used.
518 The term may also include the building or room housing such use. Change of
519 occupancy does not result from a mere change of tenants or proprietors.

520 “Office” means a physical location designed for, or used as, the office of professional,
521 business, administrative, institutional, charitable, personal service or public
522 organizations or persons, but does not include direct retail or wholesale sale of goods
523 except for those sales that are clearly incidental to the principal office use.

524 “Office, general business” means an office maintained and operated for the conduct of
525 management level administrative services or in which individuals or entities are
526 provided services in office settings in the nature of government, business, real estate,
527 insurance, property management, title companies, investment and financial, personnel,
528 travel, and similar services, including business offices of public utilities or other
529 activities when the service rendered is a service customarily associated with office
530 services. Offices that are part of and are located with a business or industrial firm in
531 another category are considered accessory to that firm’s primary activity. Professional
532 office is excluded.

533 “Office, professional” means an office maintained and operated for the conduct of a
534 professional business or occupation requiring the practice of a learned art or science

535 through specialized knowledge based on a degree issued by an institute of higher
536 learning, including but not limited to medicine, dentistry, law, architecture,
537 engineering, accounting, and veterinary medicine. General business office and clinic
538 are excluded.

539 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-
540 country travel on or immediately over land, water, sand, snow, ice, wetland, or other
541 natural terrain, except that such terms exclude (1) registered motorboats, (2) military,
542 fire, emergency, and law enforcement vehicles when used for such military,
543 emergency, and law enforcement purposes, and (3) any vehicle whose use is expressly
544 approved by the City of Homer.

545 “Oil water separators” means passive, physical separation systems, designed for
546 removal of oils, fuels, hydraulic fluids, and similar products from water. They are
547 generally large-capacity, underground cement vaults installed between a drain and the
548 connecting storm drain pipe. These vaults are designed with baffles to trap sediments
549 and retain floating oils. The large capacity of the vault slows down the wastewater,
550 allowing oil to float to the surface and solid material to settle out.

551 “Open space” means an area reserved or developed for recreational uses or preserved
552 for its natural amenities. Open space may include squares, parks, bicycle and
553 pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens.
554 “Open space” does not include outdoor recreation facilities.

555 “Overbank flood protection volume” or “Qp” means the volume controlled by
556 structural practices to prevent an increase in the frequency of out of bank flooding
557 generated by development.

558 “Overlay district” means a defined area with supplementary regulations that is
559 superimposed upon all or part of one or more underlying zoning districts. The
560 boundaries of an overlay district are usually shown on the official map, but may be
561 established by description.

562 “Overslope development” means an overslope platform and the structures located on
563 the overslope platform.

564 “Overslope platform” means an elevated horizontal structure designed to support
565 buildings that are located above the slope between an upland lot and the water of the
566 Homer small boat harbor.

567 “Parking lot” means an off-street, ground level open area, usually improved,
568 containing parking spaces for motor vehicles.

569 “Parking lot, double-loaded” means all or any portion of a parking lot in which there
570 are parking spaces on both sides of the driving aisle.

571 “Parking lot, single-loaded” means all or any portion of a parking lot in which there
572 are parking spaces on only one side of the driving aisle.

573 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

574 “Parking stall” is synonymous with “parking space.”

575 “Peak hour” in reference to traffic means a one-hour period representing the highest
576 hourly volume of traffic flow on the adjacent street system during the morning (a.m.
577 peak hour), during the afternoon or evening (p.m. peak hour) or representing the hour
578 of highest volume of traffic entering or exiting a site (peak hour of generator).

579 “Pedestrian way” means a maintained walkway or path, no less than four feet wide,
580 that connects two or more focal points of pedestrian activity, including other
581 pedestrian ways, trails, transit stops, street or parking area crossings, or building entry
582 points. Sidewalks may be pedestrian ways.

583 “Performance standards” means minimum requirements or maximum allowable limits
584 on the effects or characteristics of a use.

585 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up
586 of materials such as, but not limited to, crushed rock, bark and mulch.

587 “Permit” means any permit, approval or other authorization issued by the City under
588 the authority of the Homer Zoning Code or regulations.

589 “Person aggrieved” means a person who shows proof of the adverse effect an action or
590 determination taken or made under the Homer Zoning Code has or could have on the
591 use, enjoyment, or value of real property owned by that person. An interest that is no
592 different from that of the general public is not sufficient to establish aggrievement.

593 “Personal service” means a business primarily engaged in providing services involving
594 the care of an individual or his or her personal goods or apparel.

595 “Pipeline” means a line six inches or larger, which may include accessory pumps,
596 valves and control devices, for conveying liquids, gases or finely divided solids that
597 are constructed within rights-of-way or easements or from one parcel to another.
598 However, for the purpose of securing a conditional use permit the following are
599 excluded: the mains, hydrants, pumps, services, and pressure stations of the City of
600 Homer water utility; the mains, services, manholes and lift stations of the City of
601 Homer sewer utility and the local service mains, valves and services of a gas utility
602 legally authorized to provide such service within the City.

603 “Planned unit development” or “PUD” means a residential, commercial, office,
604 industrial, or other type of development, or a combination thereof, approved under the
605 conditional use procedures and applicable provisions of this title and characterized by

606 comprehensive planning for the entire project, the clustering of buildings to preserve
607 open space and natural features, and provision for the maintenance and use of open
608 space and other facilities held in common by the property owners within the project.

609 “Planning Commission” means the Homer Advisory Planning Commission.

610 “Pollutant” in reference to waters means any substance that causes contamination or
611 other alteration of the physical, chemical, or biological properties of waters including
612 change in temperature, taste, color, turbidity, or odor of the waters, or such discharge
613 of any liquid, gaseous, solid, radioactive or other substance into the waters that will or
614 is likely to create a nuisance or render such waters harmful. These substances include,
615 but are not limited to, any dredge, spoil, solid waste, incinerator residue, oil, grease,
616 garbage, sewage, sludge, medical waste, chemical waste, biological materials, heat,
617 petrochemical, and sediment.

618 “Pollution, nonpoint source” means pollution from any source other than from any
619 discernible, confined, and discrete conveyances and shall include, but not be limited
620 to, parking lots and roof tops and include substances such as pathogens,
621 petrochemicals, sediments, debris, toxic contaminants, or nutrients.

622 “Pollution, point source” means pollution from any discernible, confined, and discrete
623 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,
624 well, discrete fissure, container, landfill leachate collection system, vessel or other
625 floating craft from which pollutants are or may be discharged.

626 Principal Use. See “use, principal.”

627 “Project” means an existing or proposed development.

628 “Public spaces” means space containing amenities for public use or enjoyment, for
629 example, benches, bike racks, water features, public art, and kiosks that enhance the
630 community.

631 “Public utility facility or structure,” for the purpose of requiring a conditional use
632 permit, means (1) any facility or structure owned and operated by a public or private
633 utility, or (2) a telecommunications tower or antenna, but it excludes water distribution
634 mains, pressure stations and hydrants, sewage collection lines, manholes and lift
635 stations, underground and overhead electrical, cable and telephone lines and poles,
636 street lights and small wind energy systems.

637 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a
638 height of at least 15 feet and an average slope of not less than 500 percent (five feet
639 difference in elevation per one foot of horizontal distance).

640 “Recharge volume” or “Rev” means that portion of the water quality volume used to
641 maintain groundwater recharge rates at development sites.

642 “Recreational facility, indoor” means a building used for indoor sports, recreation,
643 physical activities or games such as bowling alleys, racquetball courts, skating rinks,
644 and other physical recreation activities.

645 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games
646 such as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving
647 ranges, equestrian arenas, open air performing arts centers and similar activities. It
648 does not include sport fishing in the waters of any watercourse, water body, or
649 Kachemak Bay.

650 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is
651 designed and manufactured as temporary lodging for travel, recreational and vacation
652 use, and which is either self-propelled, mounted on or pulled by another vehicle.
653 Examples include, but are not limited to, a travel trailer, camping trailer, truck camper,
654 motor home, and fifth-wheel trailer.

655 “Recreational vehicle park” means a parcel of land that has been planned and
656 improved for use by two or more recreational vehicles for transient occupancy.

657 “Religious, cultural and fraternal assembly” means a use or building owned or
658 maintained by an organized religious organization or nonprofit entity for assemblies
659 for social, cultural, civic, or philanthropic purposes, or where persons regularly
660 assemble for worship.

661 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,
662 regulation, and control of water.

663 “Residential districts” or “residential zoning districts” means the rural residential,
664 urban residential, and residential office zoning districts.

665 “Retention structure” means a permanent structure that provides for the storage of
666 water runoff.

667 “Right-of-way” means the entire width of property dedicated for a public street or
668 private easement providing ingress and egress from property abutting thereon.

669 Road. See “street.”

670 “Roadside stand” means a temporary structure on land adjacent to a street, usually for
671 the attraction of motorists for profit-making purposes. Common roadside stands sell
672 local food, produce, firewood, handcrafted items or imported goods.

673 “Rooming house” means a dwelling containing not more than five guest rooms that are
674 used, rented or hired out to be occupied for sleeping purposes by guests. A rooming
675 house shall not accommodate in excess of 15 guests. A rooming house shall also
676 include any structures associated with the dwelling, such as guest cabins; provided,

677 that a conditional use permit was obtained for any associated structures, if a permit is
678 required in order to have more than one building containing a permitted principal use
679 on the lot. “Rooming house” does not include bed and breakfast.

680 “School” means an institution or place for instruction or education, including all
681 structures and land necessary to the accomplishment of educational purposes.

682 “School, commercial” means a school for the teaching of clerical, managerial,
683 administrative, service or artistic skills. This applies to schools operated privately for
684 profit that do not offer a complete educational curriculum, e.g., beauty school,
685 modeling school and secretarial school. Commercial school does not include trade,
686 skilled or industrial school.

687 “School, private” means a school that provides a complete educational curriculum and
688 is owned and operated by private educational, religious, charitable, or other institution.
689 It may provide elementary, secondary or post-secondary levels of education.

690 “School, public” means a school owned and operated or chartered by the Kenai
691 Peninsula Borough or the State or University of Alaska for the purpose of public
692 education.

693 “School, trade, skilled or industrial” means a school for the teaching of industrial,
694 construction, technical and skilled trades skills, including schools operated by or for
695 labor unions. Examples include welding, carpentry, electrician, and similar training
696 schools.

697 “Sediment” means soils or other surficial materials transported or deposited by the
698 action of wind, water, ice, or gravity as a product of erosion.

699 “Senior housing” means attached or detached independent living developments,
700 including retirement communities, age-restricted housing and active adult
701 communities.

702 Service Station. See “auto fueling station” and “auto repair.”

703 “Setback” means the required minimum distance between the lot line and a building,
704 measured according to Chapter 21.05 HCC. The setback area establishes a required
705 yard in which structures are prohibited or limited as provided in the zoning code.

706 “Sewer, community” means that portion of a nonpublic sewerage serving:

707 1. One or more multifamily dwellings;

708 2. A mobile home park, a trailer park, or a recreational vehicle park;

709 3. Two or more:

- 710 a. Single-family homes or duplexes;
- 711 b. Commercial establishments;
- 712 c. Industrial establishments; or
- 713 d. Institutions; or
- 714 4. Any combination of two or more of the structures listed in subsections (3)(a)
715 through (d) of this definition.
- 716 “Sewer, public” means a sewer system operated for the benefit of the public by the
717 City of Homer or a public utility under a certificate of convenience and necessity
718 issued by the Regulatory Commission of Alaska or by its predecessor or successor
719 agency.
- 720 “Shelter for the homeless” means a building used primarily to provide on-site meals,
721 shelter and secondary personal services such as showers and haircuts to the homeless
722 and the needy on a nonpermanent basis for no or nominal compensation.
- 723 Sign. See HCC 21.60.040.
- 724 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination
725 thereof that is in one ownership or is contiguous and in diverse ownership, where
726 development exists or will be created as one unit, subdivision, or project.
- 727 “Site plan” means a plan, to scale, showing the proposed use and development of a
728 site. The plan generally includes lot lines, streets, points of vehicular access to the site,
729 building sites, reserved open space, existing buildings, major landscape features (both
730 natural and manmade), and the locations of utility lines. Additional information may
731 be required on a site plan by applicable provisions of the zoning code.
- 732 “Slash pile” means a row or pile of woody debris from timber harvesting, land
733 clearing, or similar activity.
- 734 “Slope” means, with respect to two points on the surface of the ground, the ratio,
735 expressed as a percentage, of the difference between their elevations divided by the
736 horizontal distance between them. Slope is measured as provided in HCC 21.05.040.
- 737 “Small wind energy system” means a wind energy system having a rated capacity of
738 less than 25 kilowatts and a total height less than 170 feet, whose primary function is
739 to provide electric power for on-site consumption.
- 740 “Stabilization” means the prevention of soil movement by any of various vegetative or
741 structural means.

742 “Stable, private” means an accessory building in which one or more horses are kept for
743 private use and enjoyment and not for boarding, hire or sale; or in which not more than
744 one horse is kept for boarding, hire or sale.

745 “Stable, public” means a building in which two or more horses are kept for boarding,
746 hire or sale.

747 “State highway” means a street designated by the State as a part of the State highway
748 system.

749 “Steep slope” means an elevation change in topography of at least 15 feet, with an
750 average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet
751 of horizontal distance). A steep slope can occur naturally or can be created by
752 excavation into or filling over natural ground.

753 “Stormwater management” means:

754 1. For quantitative control, a system of vegetative and structural measures that control
755 the increased volume and rate of surface runoff caused by manmade changes to the
756 land; and

757 2. For qualitative control, a system of vegetative, structural, and other measures that
758 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

759 “Stormwater management, off-site” means the design and construction of a facility
760 necessary to control stormwater from more than one development.

761 “Stormwater management, on-site” means the design and construction of systems
762 necessary to control stormwater within an immediate development site.

763 “Stormwater management plan” or “SWP” means a set of drawings or other
764 documents prepared according to the requirements of this title and submitted by a
765 person as a prerequisite to obtaining a stormwater management approval. A SWP will
766 contain all of the information and specifications pertaining to stormwater management.

767 “Stormwater runoff” means flow on the surface of the ground, resulting from
768 precipitation or snow melt.

769 “Story” means that portion of a building included between the upper surface of any
770 floor and the upper surface of the floor next above, except that the topmost story shall
771 be that portion of a building included between the upper surface of the topmost floor
772 and the ceiling or roof above. If the finished floor level directly above a basement or
773 cellar is more than six feet above grade for more than 50 percent of the total perimeter
774 or is more than 12 feet above grade at any point, such basement or cellar shall be
775 considered a story.

776 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall
777 plates of which on at least two of its opposite exterior walls are not more than two feet
778 above the floor of such story.

779 “Stream” means any body of flowing water, including a river, creek, tributary, or other
780 watercourse.

781 “Stream banks” are defined by the steep or sloping ground that borders a stream and
782 confines the water in the natural channel when the water level or flow is normal.

783 “Stream, intermittent” means a stream that does not flow continuously but stops or
784 dries up from time to time.

785 “Stream, perennial” means a stream that flows continuously throughout the year, in
786 contrast to an intermittent stream.

787 “Street” means a public thoroughfare including a public street, road or highway of any
788 description that affords a principal means of access to abutting property. Street does
789 not include alley or driveway.

790 “Street line” means the line of demarcation between a street right-of-way and the
791 abutting lot(s).

792 “Stripping” means any activity that removes the vegetative surface cover including
793 tree removal, clearing, grubbing and storage or removal of topsoil.

794 “Structural alteration” means any change of the supporting members of a building or
795 structure such as bearing walls, columns, beams or girders.

796 “Structure” means anything constructed or erected that requires location on the ground
797 or that is attached to something having location on the ground.

798 “Studio” means a room, rooms or building where an artist or photographer does work,
799 a place where dancing lessons, music lessons, or similar artistic lessons are given, or
800 where radio or television programs are produced or where recordings are made.

801 “Taxi” means any motor vehicle, permitted and licensed by the City, having a
802 manufactured-rated seating capacity of nine passengers or less engaged in the carrying
803 of persons in exchange for receiving fares, not operated over a fixed route, and subject
804 to calls from a central location or otherwise operated for hire to perform public
805 transportation.

806 “Taxi operation” means a taxi business operated from a fixed location, but not limited
807 in its operation to any particular route, which may include a dispatch office and
808 vehicle fleet parking.

809 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both,
810 for commercial purposes, of (1) trees including, without limitation, live trees,
811 Christmas trees and tree products in the form of logs, chunks, bark chips or similar
812 items; or (2) minor forest crops such as cones, ferns, greenery, berries and moss.

813 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,
814 sediment) suspended in and carried by a fluid (e.g., water).

815 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
816 antenna used by an amateur radio operator licensed by the Federal Communications
817 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

818 “Tower, communications” means a fixed vertical structure built for the primary
819 purpose of supporting wireless communications equipment, plus its accompanying
820 base plates, anchors, guy cables and hardware.

821 “Townhouse” means a building on its own separate lot containing one dwelling unit
822 that occupies space from the ground to the roof and is attached to one or more other
823 townhouse dwelling units by at least one common wall.

824 “Trip” in reference to traffic means a single one-way motor vehicle movement either
825 to or from a subject property or study area.

826 “Turbidity” means an expression of the optical property that causes light to be
827 scattered and absorbed rather than transmitted in straight lines through a water sample;
828 turbidity in water is caused by the presence of suspended matter such as clay, silt,
829 finely divided organic and inorganic matter, plankton, and other microscopic
830 organisms.

831 “Use” means the purpose for which land or a structure is occupied, arranged, designed
832 or intended, or for which either land or a structure is or may be occupied or
833 maintained.

834 “Use, principal” means the use of a lot or structure that is of chief importance or
835 function on the lot.

836 “Variance” means any deviation from the requirements of the zoning code authorized
837 by the Planning Commission pursuant to Chapter 21.72 HCC.

838 “Vehicle fleet” means a group of vehicles operated under unified control.

839 Vehicle Maintenance. See “auto repair.”

840 Vehicle Repair. See “auto repair.”

841 “Visibility or vision clearance” means the assurance of adequate and safe vision
842 clearance particularly for vehicle operators and pedestrians; a specified area of
843 clearance at corners of intersections where no plantings, walls, structures or temporary
844 or permanent obstructions exceeding a specified height above the curb level are
845 allowed.

846 “Water-dependent” means a use or activity that can be carried out only on, in or
847 adjacent to water areas because the use requires access to the water body.

848 “Water quality volume” or “WQv” means the volume needed to capture and treat 90
849 percent of the average annual runoff volume at a development site.

850 “Water-related” means a use or activity that is not directly dependent upon access to a
851 water body, but which provides goods and services that are directly associated with
852 water-dependent uses or activities.

853 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel,
854 canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any
855 adjacent area that is subject to inundation from overflow or floodwater.

856 “Watershed” means any area of land that water flows or drains under or across ground
857 on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on
858 a topographical map by connecting the high points of the contour lines surrounding
859 any water body.

860 “Wetland” means an area of land that is inundated or saturated by surface or
861 groundwater at a frequency and duration sufficient to support, and that under normal
862 circumstances do support, a prevalence of vegetation typically adapted for life in
863 saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and
864 similar areas.

865 Wholesale. See “business, wholesale.”

866 “Wind energy system” means a wind turbine and its supporting wind energy system
867 tower.

868 “Wind energy system tower” means a fixed vertical structure that supports a wind
869 turbine, including a monopole or lattice tower, plus its accompanying base plates,
870 anchors, guy cables and hardware.

871 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind
872 energy into electric energy.

873 “Wireless communications equipment” means the set of equipment and network
874 components used in the provision of wireless communications services, including
875 without limitation antennas, transmitters, receivers, base stations, equipment shelters,

876 cabinets, emergency generators, power supply cables, and coaxial and fiber optic
877 cables, but excluding any wireless communications support structure.

878 “Wireless communications services” means transmitting and receiving information by
879 electromagnetic radiation, by an operator (other than an amateur radio operator)
880 licensed by the Federal Communications Commission.

881 “Wireless communications support structure” means a structure that is designed to
882 support, or is capable of supporting, wireless communications equipment, including a
883 communications tower, utility pole, or building.

884 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by
885 any structure or portion of a structure from 30 inches above the general ground level of
886 the graded lot upward, except (1) fences, walls, posts, poles and other customary yard
887 accessories, ornaments and furniture may be permitted in any yard subject to height
888 limitations and requirements limiting obstruction of visibility, and (2) certain
889 structures may be permitted in certain yards when authorized by code provisions
890 applicable to a particular zoning district.

891 “Yard, front” means a yard extending across the full width of a lot, the depth of which
892 is the minimum horizontal distance between the front lot line and a line parallel
893 thereto.

894 “Yard, rear” means a yard extending across the full width of the lot, the depth of
895 which is the minimum horizontal distance between the rear lot line and a line parallel
896 thereto.

897 “Yard, side” means a yard between a main building and the side lot line extending
898 from the front yard to the rear yard.

899 “Zoning code” means this title.

900 “Zoning districts” means those districts established and described in Division II of this
901 title.

902 Section 2. Section 21.54.200 entitled “Standards for recreational vehicle parks-General” is
903 amended to read as follows:

904
905 Section 21.54.200 Standards for recreational vehicle parks-General.

906
907 HCC 21.54.200 through 21.54.340~~25~~ establish standards governing recreational vehicle
908 parks, **recreational vehicles in residential zoning districts, and employee-occupied**
909 **recreational vehicles.**

910
911 Section 3: Section 21.54.210 entitled “Spaces and occupancy” is amended to read as follows:
912

913 Section 21.54.210 Space and occupancy.

914

915 a. Space Size. The space provided for each recreational vehicle shall be a minimum of 600
916 square feet, exclusive of any space used for common areas, driving lanes, walkways,
917 general use structures, and landscaped areas.

918

919 b. Identification. Each recreational vehicle space shall be plainly marked and numbered for
920 identification.

921

922 c. Occupancy. Only one recreational vehicle shall occupy a space. Recreational vehicle
923 parks may be open on a year-round basis. **Except as otherwise permitted under this title,**
924 **n**No recreational vehicle shall be parked for occupancy in a recreational vehicle park for
925 more than 30 continuous days, nor shall a recreational vehicle be parked for occupancy in
926 a recreational vehicle park for more than 120 days in any 12-month period.

927

928

929 Section 4. Homer City Code 21.54 is amended to add section 21.54.325 to read as follows:

930

931 21.54.325 Standards for recreational vehicles in the Marine Commercial District and the
932 Marine Industrial District.

933

934 Outside of recreational vehicle parks, the use of recreational vehicles in the marine
935 commercial and industrial zoning districts shall conform to the following standards:

936

937 a. A property owner may have one employee-occupied recreational vehicle per lot. An
938 employee-occupied recreational vehicle must be a self-contained recreational vehicle
939 and must have a receptacle approved by law for collection of liquid and semi-solid
940 wastes. While the employee-occupied recreational vehicle is parked on the property, it
941 must be parked in a manner that will not create a dangerous or unsafe condition on the
942 lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip
943 or roll constitutes a dangerous and unsafe condition. A parked employee-occupied
944 recreational vehicle must be in a condition for the safe and effective performance of its
945 intended function as an operable motor vehicle.

946

947 b. An employee-occupied recreational vehicle may not be placed in a parking space
948 required to comply with the Homer Zoning Code.

949

950 c. An employee-occupied recreational vehicle may not directly hook-up to municipal
951 water and sewer without first obtaining written approval by the Public Works Director
952 or his or her designee. The Public Works Director shall grant approval for direct hook-
953 up to the municipal water and sewer if he or she determines that the applicant is in full
954 compliance with this Title. A permit under this subsection may only be submitted by a
955 property owner or a lessee of the property.

956

957 Section 5: This ordinance is of a permanent and general character and shall be included in the
958 City Code.

959
960 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF
961 _____, 2017.

962
963 CITY OF HOMER

964
965
966 _____
967 BRYAN ZAK, MAYOR

968
969 ATTEST:

970
971
972 _____
973 MELISSA JACOBSEN, MMC, CITY CLERK

974
975
976 AYES:

977 NOES:

978 ABSTAIN:

979 ABSENT:

980
981
982 First Reading:

983 Public Hearing:

984 Second Reading:

985 Effective Date:

986
987
988 Reviewed and approved as to form:

989
990
991 _____
992 Mary K. Koester, City Manager

Holly Wells, City Attorney

993
994 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

Memorandum PL 17-08

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 28, 2017
SUBJECT: Planning Staff review of ordinance permitting employee-occupied RV's in the Marine Commercial and Marine Industrial Districts.

Planning Staff review per 21.95.040

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.

Staff response: This proposal to varying degrees supports the goals and objectives listed below.

1. 2008 Comprehensive Plan Chapter 4, Land Use Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Objective E: Consider regional and global impacts of development in Homer. Implementation Strategy 2: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.
2. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 9: Encourage a range of sustainable housing options suitable for diverse income levels.

B. Will be reasonable to implement and enforce.

Staff response: The ordinance may be challenging to enforce. It will be reasonable when working with the cooperation of leasees and owners.

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

Staff response: This amendment promotes health, safety and welfare by locating 'extra eye's' in commercial and industrial areas that have experienced a fair amount of crime.

D. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

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

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-05

Ordinance 18-05, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Sewall.

Sponsor: City Manager

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-006 from City Manager as backup
2. Council Regular Meeting January 22, 2018 Public Hearing and Second Reading
 - a. Memorandum 18-006 from City Manager as backup

43	<u>Account</u>	<u>Description</u>	<u>Amount</u>
44			
45	808-0375	Ocean Drive Loop Special Service District	\$83,743
46			
47	156-0369	Seawall Maintenance Reserve	\$18,382
48			

49 Section 2. This ordinance is a budget amendment ordinance only, is not permanent in
50 nature and shall not be codified.

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2018.

53
54 CITY OF HOMER

55
56
57 _____
58 BRYAN ZAK, MAYOR

59
60 ATTEST:
61
62
63 _____
64 MELISSA JACOBSEN, MMC, CITY CLERK

65
66
67 YES:
68 NO:
69 ABSTAIN:
70 ABSENT:
71
72 First Reading:
73 Public Hearing:
74 Second Reading:
75 Effective Date:

76
77 Reviewed and approved as to form.

78
79 _____
80 Mary K. Koester, City Manager

81 _____
82 Holly C. Wells, City Attorney

83 Date: _____

84 Date: _____

43	<u>Account</u>	<u>Description</u>	<u>Amount</u>
44			
45	808-0375	Ocean Drive Loop Special Service District	\$83,743
46			
47	156-0369	Seawall Maintenance Reserve	\$18,382
48			

49 Section 2. This ordinance is a budget amendment ordinance only, is not permanent in
50 nature, shall not be codified, **and shall become effective January 1, 2017.**

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2018.

53
54 CITY OF HOMER

55
56
57 _____
58 BRYAN ZAK, MAYOR

59
60 ATTEST:

61
62
63 _____
64 MELISSA JACOBSEN, MMC, CITY CLERK

65
66
67 YES:
68 NO:
69 ABSTAIN:
70 ABSENT:

71
72 First Reading:
73 Public Hearing:
74 Second Reading:
75 Effective Date:

76
77 Reviewed and approved as to form.

78
79 _____
80 Mary K. Koester, City Manager

81 _____
82 Holly C. Wells, City Attorney

83 Date: _____

84 Date: _____



City of Homer

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 18-006

TO: Mayor Zak and Homer City Council
 FROM: Katie Koester, City Manager
 DATE: January 3, 2018
 SUBJECT: Seawall Expenditures in 2017

In 2017 the seawall experienced significant damage, requiring the highest annual expenditure since the wall was constructed, \$102,125. Ordinance 18-05 appropriates \$102,125 to fund emergency repairs to the seawall in 2017. Based on linear footage the property owners are responsible for 82% of the wall and the City is responsible for 18%. Under this formula, \$83,743 of the 2017 repairs are charged to the ODLSSD and \$18,385 to the City's Seawall Reserve Account.

Background: The Seawall was constructed in 2002. Since 2008, Public Works has assumed responsibility for maintenance using funds provided by the Ocean Drive Loop Special Service District (ODLSSD). The ODLSSD allows the property owners that benefit from the wall to pay an additional mill rate for the ongoing maintenance. The City owns two lots along the wall. Since City government is tax exempt, the City transfers \$10,000 each year from the City's General Fund to cover the City's portion of the maintenance. The City relies on land owners along the seawall to notify the City's Public Works Director when they witness the need for repairs.

- 1) The Seawall Reserve Account consists of City transfer to the General Fund. In 2012 the City transferred \$60,000 plus the \$10,000 annual transfer for a total of \$70,000. Thereafter, the City has transferred \$10,000 annually;

156-0369	2012	2013	2014	2015	2016	2017	Total
City's Seawall Reserve Account	\$70,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$120,000

- 2) The ODLSSD consists of the property owner's seawall maintenance assessment (9.962541 mills).

808-0375	2012	2013	2014	2015	2016	2017	Total
Mill Rate Transfer	\$19,167	\$22,078	\$35,176	\$24,802	\$24,759	\$27,671	\$153,653

A combined \$273,653 has been set aside for seawall maintenance since 2012 while \$173,678 has been spent, leaving just shy of \$100,000 available for repairs at the end of 2017. Transfers in the 2018 budget will help grow the reserves, as long as the weather is kind to the wall in 2018.

Annual Seawall maintenance expenditures	2012	2013	2014	2015	2016	2017	Total
	(\$38,292)	\$0	\$0	(\$2,933)	(\$30,328)	(\$102,125)	(\$173,678)

Ocean Drive Loop Seawall Maintenance Activities Overview

January 2018

Prepared by Homer Public Works Department

Background: The Seawall was constructed in 2002. For the first 5 years it was the Contractor's responsibility to maintain and repair the wall. Since 2008, Public Works has assumed responsibility for maintenance initially using funds provided by the Council – more recently using monies from the Special Service District.

All maintenance work is completed by East Road Services (Troy Jones) under the direction and supervision of the City Engineer (Carey Meyer). Public Works inspects the condition of the seawall in the fall and in the winter to identify needed repairs. Property owners provide additional, valuable eyes on the wall and call Public Works if repairs are needed.

This year, the wall experienced significant damage, requiring the highest annual expenditure since the wall was constructed, \$102,125. Up until this year, most repairs were along the eastern half of the wall (where storm wave forces are greatest), but repairs have been necessary over the entire wall length. This year, damage occurred along all portions of the wall, including the western and middle portions. Most damage is seen in the bottom third of the wall, little damage has been seen in the upper third of the wall.

The key to prolonging the life of the wall is protecting the fiberglass sheet pile from wave/sand abrasion and making sure that the tie rods/concrete blocks buried behind the wall remain buried. The timber face protects the sheet pile from wave action. When this wood face is damaged or erosion at the toe of the wall exposes the sheet pile, the wall is in jeopardy. Of equal concern, the sheet pile is held in place by the tie rod system; erosion of material behind the wall exposing the anchored blocks could lead to catastrophic failure.

Inspections concentrate on identifying erosion in front of and behind the wall, damaged or misaligned horizontal timber planks, lag bolt damage, and vertical support members deterioration.



Sand/gravel summer build up protects toe of wall from erosion

Examples of Damage and Maintenance Activities in 2017:



Unusual - but lost almost two entire panels in February



Typical maintenance issue - erosion at toe of wall - extended wood face lower



Repair made to panel



Lower wall repair - 2017

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

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Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 17, 2018
SUBJECT: City Manager's Report – January 22, 2018

Update on Large Vessel Haul Out Facility

Questions about the City's role in managing the Marine Repair Facility came up recently providing an opportunity to explain the history of the facility and how it is operated as a partnership between local business and the Port and Harbor. The Marine Haul-out facility is space on the Spit (near Pier One) that is provided by the Port and Harbor for contractors and vessel owners to come together and work on large vessels. To use the facility, contractors have to sign a vendor use agreement. Currently Kachemak Haul-out is the primary provider of haul-out services using airbags and heavy equipment, however the space is open to any business willing to sign the agreement. Attached is the City's Marine Repair Facilities Policies and Best Management practices booklet which is used to manage the use of the property.

At the request of Mayor Wythe, the Port and Harbor Commission formed the Vessel Haul-out Task Force in January of 2014. A survey was mailed to harbor customers who owned vessels that were too large to haul-out in Homer. Staff worked with other harbor facilities up and down the coast that owned and operated haul-out facilities and wrote best management practices for Homer's Marine Repair Facility. Staff has also been working with engineers to design a marine repair yard upgrade that would provide moorings for the vessels to secure to on the beach landing, a wash down pad, electrical pedestals, and lighting for the yard and the users. This project is on the City of Homer CIP and scores highly on calls for potential Federal Infrastructure projects. Upgrades to the facility would bring even more business into the community during the fall and winter months.

Making the current Marine Repair Facility more user friendly is a step in the right direction, however there is still much to do if the Homer Port and Harbor is going to be able to truly serve all boat owners with the haul-out facilities that they need in order to own and maintain their vessels in Homer Alaska. Deep Draft vessels are a challenge to haul-out using air bags on the beach. The reality is that if those vessels are to be served here a sling lift machine is needed in order to be able to perform that task safely and efficiently. The Port and Harbor Commission has talked about developing a program that would to pick a large deep draft vessel from the harbor and set it on the old chip pad for repairs and then be returned into the harbor for regular moorage. The machine would be sized in the 350 ton range so as not to compete with existing private owned facilities that haul out smaller vessels.

Continuing to develop large vessel haul-out facilities in Homer is tremendous economic development opportunity. Homer has the boat owners who need the service and we have the best Marine Trades industry

in the State ready and willing to provide to those needs. What we lack is the facilities for these two industries to meet.

Retirement of Chief Painter

After 26 years of service with the Homer Volunteer Fire Department, Chief Painter is retiring. He will be moving back to his home state of Oklahoma to take a leadership position overseeing instruction for the next generation of first responders at Tulsa Community College. Please take a moment to thank Chief Painter for his many years of service to this community. Assistant Chief Kadel will take over as Acting Chief upon Chief Painter's departure and a temporary Emergency Services Technician has been hired to help with coverage. This will give the department and Assistant Chief Kadel time in the hot seat before moving forward with long term plans. I have been working with Chief Painter and Assistant Chief Kadel on transition planning and feel very confident in the ability of the staff and the volunteers.

Police Station Worksession

Lisa Talbot has agreed to facilitate the Police Station worksession on the 29th. I have had a couple of meetings with her and feel very optimistic about her ability to guide members through some of these tough questions to move forward on the Police Station project. The worksession will take place offsite at the Port and Harbor conference room. The non-traditional venue will be well advertised to make sure the public can participate. Thank you to those of you who have given input on critical pieces of back up to include and/or topics that need to be addressed. I will be working this week on putting together a packet.

Homer Foundation City of Homer Application Period Open

Announcement from the Homer Foundation Executive Director, Joy Steward:

The Homer Foundation announces that application forms for the 2018 City of Homer Grants Program are now available. The grants program is funded through an annual allocation from the City of Homer in addition to the earnings from the City of Homer Fund and the Kachemak City Fund at the Homer Foundation. The intent of the City of Homer Grants Program is to support locally-based non-profit organizations that provide services primarily within the City of Homer. The applicants must be IRS 501(c)(3) tax exempt organizations, in existence in Homer a minimum of 3 years, with their primary facility and core programs, activities and services offered within the Homer City limits. This is a competitive grants process. The organization must be administered locally with a local policy-making board of directors. The organization may have no other financial or in-kind support from the City of Homer in the prior calendar year. The funding is for general operating support.

Transfer of Tidelands

Five years after applying for conveyance of the tidelands at the Deep Water and Pioneer Docks, the City has received the recorded patents from the state. This represents 11.9 acres near the Deep Water Dock, and 1.365 acres off of the Pioneer dock. The City Council accepted the tideland transfer in Resolution 17-081. Now the City must decide if it is worth going through the paperwork intense process to include these relatively small chunks of land in City limits through annexation. An annexation petition takes well over a year with various stages of public process (see attached flow chart). Staff will be weighing the pros and cons of pursuing annexation for these small parcels of tidelands including any potential legal implications and internal capacity.

Industry Outlook Forum

Councilmember Aderhold, Special Projects Coordinator Carroll and I traveled to the Industry Outlook Forum sponsored by the Kenai Peninsula Economic Development District (KPEDD) on January 10th. The

Forum was well attended by industry leaders, entrepreneurs and government officials. In addition to being an excellent change to touch base with our Peninsula neighbors, we heard presentations on the health of the Kenai's economy relative to the State, an update on Alaska Gasline Development, and efforts underway to develop Alaska' Blue (Ocean) Economy. Next year the forum will be held in Homer which will be an outstanding opportunity for local entrepreneurs and officials. KPEDD (which Mayor Zak and Economic Development Commission Chair Marks and both board members) will begin planning the Homer Forum in March.

Certificate for outstanding Loss Control Efforts

Alaska Municipal League Joint Insurance Association (AMLJIA) issued the City of Homer a 'Gold Status Certificate' in loss control recognizing keeping losses to less than 10% of contribution during Fiscal Year 2016. Risk management is key to keeping our rates down and the insurance pool healthy. Some of the measures the City of Homer takes to control claims include annual safety training for employees, new hire trainings, department specific training and a careful review of any claims including any corrective action that needs to be taken to prevent future exposure.

Enc:

City of Homer Marine Repair Facility Polices and Best Management Practices
Local Boundary Commission Petition Process Flow Chart
Certificate for Outstanding Loss Control Efforts



City of Homer
Marine Repair Facility

Policies & Best Management Practices

*Revised
October 7, 2015*

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FACILITY INTRODUCTION

The mission of the Port and Harbor Department is to provide safe port and harbor facilities for our commercial clients, recreational users, and the general public, to manage and maintain these facilities cost effectively, and to administer our Tariff and procedures fairly and equitably for all users.

The policies and best management practices detailed in this document are the backbone of Homer's Marine Repair Facility, and apply to vessel owners, service providers, and vendors. We understand the value in being able to haul-out a vessel, and want to ensure it is done as efficient and productive as possible, while preventing/eliminating air, water and soil contamination. Please read this document carefully, since you will sign a document that states you will comply.

Operational Structure: The Homer Marine Repair Facility is being managed as an "Open Yard" facility, meaning that the vessel owner is responsible for the actual work being performed on their vessel. The City is simply facilitating the opportunity for haul-out and uplands use, and are not responsible for the finished product. This management structure gives the vessel owner the opportunity to manage their project from start-to-finish, contracting with vendors from the Approved Vendor List (provided by the City), or by using their own crew to make the repairs necessary for vessel maintenance.

Vessel owners are responsible for:

- **All work** on their vessels, including haul-out, block, and launch activities
- **Hiring** only vendors that are on the City's list of "approved vendors"
- **Cleanliness** and safety of the immediate area surrounding their vessel
- **Security** of their vessel
- **Safety** of crew and vendors at their vessel's work site
- **Complying** with City policy contained herein including compliance of their vendors and crew

Hours of Operation: Vessel haul-outs shall be scheduled with the Harbor Office during normal business hours, Monday through Friday 7:00am – 5:00pm, unless extenuating circumstances dictate otherwise. During normal business hours, City staff can be reached at the Homer Harbor Office and make regular inspections of the facility. During non-business hours, City staff will not be present except for random patrols of the boatyard.

As an "open yard", the Marine Repair Facility does not close; vessel owners are responsible for setting the working hours for their crews and contracted vendors. For safety purposes, the Harbormaster advises users of the facility to consider: A) the lack of daylight during winter months, B) providing adequate lighting, and C) that vendors are in agreement with the vessel owner on what hours are suitable. Timing of haul-out activities will be determined by the vessel owner, the haul-out service provider they choose, and tidal restrictions.

Security: Because the yard is an "open facility", vessel owners and vendors are responsible for their own security. When not actively working on a vessel, all tools, paints, and other materials must be secured to prevent theft, vandalism, and accidents. Harbor Officers will periodically patrol the yard during non-business hours and report obvious conditions that require owner attention.

Concerns/Issues: Homer Port and Harbor Staff encourage all questions, comments, and concerns pertaining to the Marine Repair Facility. Please contact the Harbormaster with these issues and we shall work with you.

LEGAL NOTICES

The City Agrees: to provide dry dockage space to vessel owners under a User Agreement for the purpose of vessel repairs, maintenance, and inspections per a Harbormaster-approved work plan. Further, the City agrees to provide contractors, service providers, and vendors the opportunity to work in the Marine Repair Facility under a Vendor Agreement, of which will place vendors on the Approved Vendor List. The list shall be available on the City of Homer's website and given to all vessel owners utilizing the facility.

Responsibility: The City does not accept the vessel, its tackle, fixtures, equipment, gear, or furnishings for storage or safekeeping belonging to either the owner or vendor. Nor does the City accept any responsibility for vendor supplies, their laborers/employees, equipment, and personnel that the vessel owner may organize or contract. The City shall not be responsible for lost fishing time, or any other lost time to the vessel, while it is hauled out or on the City-owned tidelands/beaches.

Liability: The City shall not be liable for death or injury to persons, or damage to property, upon the vessel, yard facilities or premises adjacent thereto arising from any cause other than the willful misconduct of the City. Vessel owners and vendors shall indemnify and hold the City and its officers and employees harmless from all claims for death or injury to persons, or damage to property, arising from their acts or omissions, their agents, service providers/vendors, crew, employees, or invitees.

Policy Compliance: Vessel owners, their agents, crew, service providers, and vendors agree to comply with the City's Marine Repair Facility Policies and Best Management Practices, detailed in this document.

Every user's full cooperation will help the City maintain the facility with a minimal impact to the environment. The goal is to meet all regulatory requirements, prevent pollution, and provide a safe work environment for owner, crew, vendors, and City staff. Any user who observes another individual in violation is encouraged to report it to the Harbor Office as soon as possible. The identity of anyone reporting a violation will be kept confidential.

Owners, crewmen, and contractors performing work on boats shall comply with all applicable OSHA, Federal, State, and City regulations, policies, and procedures.

Default in Compliance; City's Remedies: Failure to adhere to the City's policies and best management practices can result in unsafe actions and environmentally harmful activities. When violations are observed by City staff, intentional or otherwise, work will be stopped until corrective measures are taken. If vessel owners or vendors fail to properly follow and adhere to these practices/policies and/or their agreement with the City, or fail to pay fees or charges for more than thirty (30) days after the due date, the City may exercise any available remedy, including without limitation one or more of the following:

- a) Terminate the User/Vendor Agreement.
- b) Begin impoundment procedures per HCC 10.04.120 to have the vessel removed until the violation has been cured, or disposed of.
- c) Place a lien on the vessel per HCC 10.04.139 for towing, storage, costs of sale, attorney fees, any other charges incurred in connection with the impoundment, and charges for harbor services.

Refusal of Service: The City reserves the right to refuse service to vessels that: 1) do not have a current (within 3 years) marine survey, 2) have an inadequate work plan, 3) lack sufficient property and liability insurance, 4) fail to comply with the City's Marine Repair Facility Policies and Best Management Practices, 5) are in poor condition, 6) are unsafe to haul-out, or 7) may be damaged by being hauled out. Such vessels may

be hauled out if the vessel owner signs a waiver and provides a performance bond in an amount equal to the dry docking fees plus the estimated cost to dispose of the vessel should removal become necessary.

Refusal of Vendor Access: The City reserves the right to refuse access to Vendors that: (a) do not have a current Alaska Business License, (b) fail to register for, collect, and remit sales tax, (c) lack sufficient insurance, (d) fail to comply with the City's Marine Repair Facility Policies and Best Management Practices, or (e) fail to comply with safety practices.

Disputes: Disputes will be referred to a certified marine surveyor for a professional opinion of the vessel's fitness for hauling out. The vessel owner shall pay the cost of the surveyor. For all other disputes such as billing charges, stopping work orders, or missing work plan information, the Harbormaster reserves the right to make the final decision.

Notices: Billings and notices will be mailed to the address given under the User or Vendor Agreement. Vessel owners and vendors shall notify the City in writing of an address change.

Insurance: Vessel owners must have a current marine insurance policy of a "named perils" or "all risks" type that fully insures the value of the vessel, plus accident and environmental liability. Vendors and service providers must have current insurance to cover all of the services to be provided, including proof of long-shore and harbor workers compensation insurance, or proof that such coverage is waived.

A Certificate of Insurance must be provided to the Homer Harbor Office before any work may begin. The City of Homer must be included as additional insured and show coverage not less than the minimum required outlined below:

Minimum coverage	Vendors	Vessels
General Liability, Marine Artisan Liability, P & I	\$1,000,000	n/a
General Aggregate Limit	\$ 2,000,000	\$1,000,000
Products Hazard or Operations Hazard Aggregate Limit	\$ 1,000,000	n/a
Personal Injury	\$ 1,000,000	\$1,000,000
Damage to Premises	\$250,000	\$250,000
Medical Expense Limit	\$5,000	n/a
Pollution Liability	n/a	\$1,000,000
Hull and Machinery	n/a	*

* Hull and machinery coverage shall be sufficient to dispose of the vessel if abandoned, burned, or otherwise left to the City.

APPROVED VENDOR LIST REQUIREMENTS

1. GENERAL

Persons available for hire or contract labor is considered a “vendor”, and must be on the City’s Approved Vendor List before being allowed to work on any vessel in the Homer Marine Repair Facility. This list is then given to vessel owners who wish to hire contractors/vendors to complete their vessel work.

Contracting for all services to the vessel while it is in the boatyard, and payment for those services, is the sole responsibility of the vessel owner.

2. REQUIRED DOCUMENTS

To become an approved vendor, the service provider is required to complete a Homer Marine Repair Facility Vendor Agreement, include all necessary documents, and submit them to the Homer Harbor Office along with the appropriate fee. The following documents are required before any work may proceed:

- Vendor Agreement
- Alaska Business License
- Borough Sales Tax Registration
- Proof of Insurance – Includes City as Additional Insured and Worker’s Comp
- Certification, if applicable

3. ANNUAL FEE

To remain on the list, every year vendors must complete the Vendor Agreement with the City and pay an annual fee before providing services. Rates are published in the City’s Terminal Tariff. See “Appendix C” for a Fee Schedule.

4. ONE-TIME VENDOR FEE

In the circumstance that a vendor is being hired to provide services during a one-time job, but is not on the Approved Vendor List (such as an out-of-town business traveling to Homer for a specific vessel project), the vendor is still required to complete the Vendor Agreement, provide the required documents, and pay the vendor fee. Rates are published in the City’s Terminal Tariff. See “Appendix C” for a Fee Schedule.

PLANNING A HAUL-OUT

1. SCHEDULING

Initial Planning Meeting: A vessel haul-out begins with a meeting between the vessel owner, the selected haul-out service provider, and the Harbormaster. This meeting allows the vessel owner to provide the Harbormaster the primary logistics in regards to hauling out, work to be performed, service providers/vendors involved, and the timeframe/schedule. An estimation of all City boatyard and beach landing fees will be calculated (see “Appendix E” for a Haul-Out & Launch Estimate Worksheet).

Timeline: Vessel owners must plan to be in and out of the boatyard as scheduled, and vendors must plan to work within the vessel-owner’s scheduled boatyard time. The City will not be responsible for lost time to the vessel, for any reason while it is in the boatyard. Every work plan should include a timeline of the work to be performed. This written plan will enable staff to understand your needs and schedule boatyard time appropriately. Advance planning is necessary to ensure sufficient time for your needed projects.

Required Documents: The vessel owner is required to complete a Homer Marine Repair Facility User Agreement, include all necessary documents, and submit them to the Homer Harbor Office. The following documents are required before hauling out may proceed:

- User Agreement
- Vessel Owner Registration – i.e. USCG documentation
- Proof of Insurance – Includes City as Additional Insured
- Work Plan – See #2 below for details of Work Plan
- Current Vessel Survey
- Bond and Waivers, if applicable

Security Deposit & Cancellation: A deposit of 50% of the estimated costs shall be made when the vessel owner makes arrangements with the Harbormaster to use boatyard facilities. The City may require the estimated payment in full at time of scheduling (dependent on account history). After the vessel has been launched, the deposit will be credited toward beach landing and dry dock fees. The deposit will be forfeited if: a) the vessel fails to adhere to the scheduled haul-out time, or b) the vessel owner fails to leave the facility clean after launching (see below #4 “Final Clean-up of Work Area”). A cancellation or schedule change must be communicated to the Harbormaster at least 24 hours in advance to avoid deposit forfeiture. Vessels missing their scheduled haul-out date will be accommodated on a “space available” basis.

2. WORK PLAN

Every haul-out must have a work plan, which includes a description of the work to be performed, materials required, timeline, etc. Once the City approves the work plan, along with the agreement and other required documents, a deposit will be accepted and the vessel placed on the schedule. Vendors contracted to do any of the proposed work must be from the Approved Vendor List, which is provided by the City. Content of the plan must include:

- A description of work to be performed: Be detailed in what you intend to do as it allows staff to schedule enough time for your haul-out; for instance:

- Hull Maintenance – sandblasting, painting, zincs, etc.
 - Mechanical – props, shafts, engines, etc.
 - Fabrication – fiberglass, welding, etc.
 - Inspection Purposes – USCG, insurance, etc.
- A list of who will be completing the work: Specify the persons that will be working on the vessel, including the vessel owner, crewmembers, or contracted vendors/service providers. Any crewmembers that are proposed to complete work on the vessel must have a crewman contract with the vessel; contracts should be available as proof for inspection by the Harbormaster. Vendors selected must be from the Approved Vendor List. Major structural modifications should be designed by a certified marine architect.
 - Information regarding the haul-out and launch: Commonly a vendor will be contracted to perform the haul-out and launch, but the owner may be able to provide their own haul-out equipment; details on who will be moving the vessel and the method/equipment used is required. Drawings/photos of the vessel’s hull and the blocking plan should be included.
 - Plans for containment and disposal of waste: Unless a routine inspection is the only purpose for hauling out, vessel owners must be able to contain anything that may cause air, water or soil contamination. Include plans for:
 - Hazardous waste disposal
 - Containment structures and/or dustless systems for sanding, grinding, spray painting and scraping.
 - Ground cover tarps, which will be placed under the vessel prior to blocking and cover the ground under the entire vessel plus a 10 foot parameter; and welding mats to protect the ground cover tarps if any welding will be conducted.
 - Dumpsters provided by the vessel owner; use of City dumpsters is not permitted.
 - A timeline and proposed launching date: Breaking down the project into time increments allows staff to plan and coordinate your vessel haul-out into the schedule. It is imperative to the efficiency of the facility that all users adhere to the schedule; accurate timelines of projects/repairs are necessary as well as being finished when it is time to launch the vessel.
 - Additional information pertaining to the haul-out: Other details, such as Porta-Potties for workers, needed equipment, lighting, temporary structures, or storage requests should be included before the Harbormaster is able to approve a work plan. If it is applicable to your haul-out, include it.

A work plan example is provided in “Appendix D”.

Changes to the Work Plan: Significant changes that alter the amount of time the vessel is hauled out, due to an emergency or vessel owner’s preference, can potentially disrupt other scheduled haul-outs. Requests to change the work plan after the vessel has been hauled out must be approved by the Harbormaster before the work is conducted, and should be submitted to the Harbor Office with a revised work plan. Each request will be reviewed upon a case-by-case scenario by the Harbormaster, who reserves the right to make the final decision.

If upon inspection City staff finds that vessel work is being done outside the parameters of the approved work plan, the Harbormaster may take action as outlined under “Default in Compliance” (See Legal Notices).

3. MATERIALS, STRUCTURES & EQUIPMENT

Necessary materials should be on hand before each haul-out. For example: ground tarps, scaffolding and plastic for enclosures, welding mats, blasting medium, lights, coatings, zincs, etc. Arrangements for storage of materials must be coordinated with the Harbormaster.

Vessel owners and vendors may bring in vehicles, trailers, or set up temporary structures that fit within the dry storage site of their vessel. Unless otherwise approved, the structures must be removed after the vessel is launched. Mobile homes, travel trailers, or RVs will not be allowed without approval.

If the project requires more space for project lay-down, space will be provided as available and charges will reflect actual square foot usage.

4. HAULING OUT & LAUNCHING

Schedule: The projected dates of hauling out and launching shall be scheduled at the time of the initial haul-out meeting, and is determined by the vessel owner's timeline, work plan, and the facility's schedule. Vessel haul-out/launch activities will be determined on the vessel owner, the haul-out service provider they choose, and tidal restrictions. Weather conditions must be considered as well since high winds, ice, or swell at the haul-out site pose hazards.

Launching Walk-Thru Meeting: Before the proposed launching date, a meeting between the vessel owner, their primary haul-out service provider, and the Harbormaster shall take place. This meeting will allow the Harbormaster to confirm that the vessel's dry dock location is clean of all debris (i.e. paint chips, metal, discarded equipment, engine blocks/part, refrigerators, stoves, lines, scaffolding, etc.), and that launching logistics are in order before the vessel is authorized to move.

Responsibility: The vessel owner and their primary haul-out service provider are responsible, and in charge, during the haul-out and launch; all haul-out/launching logistics must comply with the Marine Repair Facility Policies and Best Management Practices. The City accepts no responsibility for the vessel, crew, contractor or the contracted labor during these operations. However, the city does reserve the right to stop all work if the harbormaster of their designee determines that there are unsafe conditions occurring at any time while the vessel is on city property. Work will cease until the safety issue is resolved to the harbormasters satisfaction.

Final Clean-up of Work Area: After the vessel has been launched, the vessel owner is required to clear all materials, structures, and equipment from the area. Any remaining items that require Harbor Staff time to clean up will be subject to fees and/or deposit forfeiture. When cleaning up, be sure everything has been removed from the premises, including:

- Blocking
- Tarps
- Scaffolding
- Temporary Structures
- Dumpsters
- Equipment/Vehicles
- Vendor's Materials/Equipment
- Debris Not Cleared Before Launch

5. COSTS, FEES, & BILLING

Dry Dockage: Due to limited space, the Homer Marine Repair Facility will not be used as a long-term vessel storage site. Charges for dry dockage are payable from the time the vessel is hauled out until the vessel is removed from the boatyard. Payment of charges for dry dockage grants the vessel owner a

revocable license to use the dry dockage area that is designated for the vessel. Vendors are to work within the vessel's designated dry moorage area. Additional space may be rented from the City if available.

Security Deposit: A deposit of 50% of the estimated costs shall be made when the vessel owner makes arrangements with the Harbormaster to use boatyard facilities. The City may require the estimated payment in full at time of scheduling (dependent on account history). After the vessel has been launched, and the final work-area inspection by the Harbormaster has been completed and approved, the deposit will be credited toward beach landing and dry dock fees. The deposit will be forfeited if: a) the vessel fails to adhere to the scheduled haul-out time, or b) the vessel owner fails to leave the facility clean after launching.

Charges: Rates are published in the City's Terminal Tariff (see "Appendix C" for the fee schedule). All charges are billed out on a monthly basis and payable to the Homer Harbor Office. See the Harbor Office for questions regarding bill payment options. See "Appendix E" for a Haul-Out & Launch Estimate Worksheet.

- **Dry Dockage.** Charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot (10') perimeter on all sides, including all appendages and additional space requested.
- **Beach Landing.** Prices for the use of the City's beach for landing are based on the overall length of the vessel. Time spent on the beach prior to and after a haul-out is charged per day and will be included in the overall cost of the haul-out.

HULL CLEANING, BLOCKING, & VERTICAL ACCESS

1. HULL CLEANING

The Homer Marine Repair Facility's Stormwater Pollution Prevention Plan (SWPPP) does not allow pressure washing.

Vessel owners who wish to remove marine growth from their vessel's hull must utilize alternative methods, such as manual removal by scraping. Ground covers must be used to collect debris and then shoveled into dumpsters, which the vessel owner provides.

2. GROUND COVERS/TARPS

Ground cover tarps must be placed under every vessel prior to blocking, and cover the ground under the entire vessel plus a 10 foot parameter. They must remain in place and shall be kept clean (daily) of all hazmat, paint chips, etc. Ground cover tarps will be protected during welding by placing protective welding mats in the affected areas. Good housekeeping practices will be implemented at all times while working in the City's facility.

3. BLOCKING

Vessel blocking is the responsibility of the vessel owner and their primary haul-out service provider. The City has the right to inspect vessel blocking and will, if, necessary, require additional blocking if it is determined to be inadequate for the job. The City will not supply, store, or furnish ships blocking, nor supply the labor needed for blocking installation/removal.

4. SCAFFOLDING & LADDERS

Vessel owners and/or contracted Vendors will provide their own ladders and scaffolding. The vessel owner assumes all risk, including for their agents/crew members working on the vessel, when utilizing ladders and scaffolding. The City assumes no risk for persons utilizing such equipment in or on City facilities.

SANDBLASTING, GRINDING, SPRAY PAINTING & SANDING

1. GENERAL

Open air sanding, grinding and scraping are prohibited unless dustless systems are employed or the vessel is tented and properly vented/filtered. These precautions are to prevent escapement of airborne particulates from the vessel and soil contamination.

City staff will inspect enclosures, spray painting, and sanding practices. When violations occur, intentional or otherwise, work will be stopped until corrective measures are taken.

Owners, crewmen and contractors performing work on boats shall comply with all applicable OSHA, Federal, State, and City regulations, policies, and procedures. Personal protective clothing and respirators shall be used as appropriate.

2. SANDING & GRINDING

When practical, vessel owners are required to utilize vacuum grinding and vacuum sanding (dustless systems). When not practical, a temporary structure must be constructed to fully enclose the area being worked on, including proper ventilation and filters.

3. SPRAY PAINTING

Spray painting is permitted only when the vessel, or portion to be painted, is fully enclosed with proper ventilation and filters. Every possible effort must be made to prevent overspray from leaving the enclosure.

HOUSEKEEPING & CLEANLINESS

1. AREA AROUND EACH VESSEL

The immediate area surrounding each vessel must be kept neat and clean at all times. No open containers of paint, oil, hazardous or other pollution-creating material shall be stored exposed. All containers must be closed and stored under covers.

2. INSPECTIONS

During normal business hours, the Harbormaster will make regular inspections of the facility. Harbor Officers will periodically patrol the yard during non-business hours and report obvious conditions that require owner attention.

Violations must be immediately cured to the satisfaction of the Harbormaster. The pre-launching walk-thru meeting will allow the Harbormaster to confirm that the vessel's dry storage location is clean of all debris before the vessel is authorized to move. Storage of any materials on site must be approved in advance by the Harbormaster.

3. DRUM STORAGE

All drums will be labeled with vessel name, date, and contents. Drums will be stored palletized and covered. Storage of any materials on site must be approved in advance by the Harbormaster. Space will be provided as available and charges will reflect actual square foot usage.

4. MACHINERY

Before removing machinery (i.e. engines, hydraulic motors and other equipment), all open fittings shall be sealed to prevent leakage of lubricating and cooling fluids. Through-hull fittings shall similarly be sealed to prevent leakage of contaminated bilge water.

5. DISPOSAL METHODS & RESTRICTIONS

General: Everything must be properly and promptly disposed of at the time materials/waste is generated. Nothing should be left lying about. Ask if you need guidance or assistance. Abandoned waste will be disposed of and billed to the vessel owner with applicable service fees. Empty cans, scraps of lumber, paper, or other debris must be placed in waste containers and the area cleaned on a daily basis and prior to departure.

For LARGE amounts of waste oil, oily rags, used oil filters, antifreeze, and batteries: Contact National Response Corporation (NRC) Kenai Office for disposal logistics at 907-258-1558 or infoalaska@nrcc.com.

Liquid & Petroleum Waste: Hazardous and non-hazardous wastes must be properly separated and properly stored and/or disposed. No liquid wastes may be drained onto the ground or into the harbor. Violations could result in substantial fines and the removal of such violators from working in the boatyard. No open containers of any liquids are to be left in the open where they could be filled with rain or tipped

over causing potential runoff into the ground and water. Common sense should dictate proper activities. Abandoning wastes without proper disposal is prohibited.

Flammable materials like paint thinners and gasoline must be segregated and properly disposed of at the Homer Landfill Bailing Facility. Please contact the Kenai Peninsula Borough regarding their Hazardous Waste Disposal Program. The use of liquid dispersants, like Joy soap, or mechanical means to dissipate slicks caused by fuel spills, is prohibited. Spills must be reported to staff.

Solid Waste: Dumpsters are to be provided by the vessel owner; use of City dumpsters is not permitted. Dumping of solid waste materials must be free of all liquids and the products must be inert. Heavy metal (engines, refers, etc. and/or large volumes of insulation, cardboard, etc.) trash and recyclable products should be hauled directly to the Homer Landfill Bailing Facility. Covers on dumpsters shall remain closed except during the process of actual trash disposal in order to minimize rainwater entry. No solid wastes may be disposed onto the ground. Any such violations will result in substantial fines and the removal of such violators from working in the boatyard. Abandoning wastes without proper disposal is prohibited.

Contaminated Bilge Water: Bilge water, contaminated with oil, antifreeze, solvents or similar materials shall not be pumped or emptied onto the ground of the boatyard or in harbor waters. Contact National Response Corporation (NRC) Kenai Office for disposal logistics at 907-258-1558 or infoalaska@nrcc.com.

Sewage: Direct discharge of sewage from vessel toilet facilities is prohibited. All applicable systems shall be tagged and locked out to prevent accidental discharge while in the yard. Overboard through hull ports may be plugged to prevent discharge. Vessel owners are responsible to make arrangements for Porta-Potties for their workers/vendors.

Paint: Paint waste, including anti-foulant, must be disposed of at the Homer Landfill Bailing Facility. Please contact the Kenai Peninsula Borough regarding their Hazardous Waste Disposal Program. Hazardous waste includes liquid paint, thinners, solvents and similar materials. All containers must have lids that are capable of being sealed to prevent spillage during transport, and must be properly labeled with vessel's name, its contents, and date. Accidental spillage should be reported to staff for assistance and guidance for clean-up. Paints and solvents shall be stored in properly sealed containers. Drip pans, tarps or other devices shall be used during the transferring of solvents or paints and during paint mixing.

Hazmat Storage: Storage of oily rags, open paints, open solvents, open thinners, gasoline, or other flammable or explosive material is prohibited on or within the boatyard facility, except for gasoline stored aboard a vessel in U.L. or Coast Guard approved containers.

SAFETY

1. **Vessel Owner Responsibility:** Owners are responsible for the safety of their crew and workers.
2. **Vendor Responsibility:** Vendors are responsible for the safety of their employees and shall follow OSHA approved standards.
3. **Welding/Hotworks:** Vendors contracted to weld must be certified, licensed, and insured. All persons, including vessel owners, crewmembers, and vendors must follow all standard welding practices per OSHA regulations. Fire guards and protective measures must be in place during all welding and cutting activities. There will be no open flames (other than welding or cutting torches) and no open burning. For every welder working, each must have a person on fire watch with fire extinguisher near them. Atmospheric testing for enclosed areas shall be done when appropriate. Arc shields shall be used as appropriate and required.
4. **PPE:** Owner and vendors shall insure that personal protective equipment and clothing will be provided and worn as appropriate to each task.
5. **Ladders/Scaffolding:** Vessel owners and vendors assume all risk when utilizing ladders and scaffolding.
6. **Storm Events:** Vessel owners and vendors are solely responsible to take emergency measures to secure the vessel, or anything that may become airborne during a windstorm event to prevent damage/injuries caused by airborne debris from their vessel and/or dry storage location.
7. **Alcohol/Drug-Use in Facility:** No alcohol or drugs shall be consumed/allowed in the boatyard or aboard vessels in the boatyard.
8. **Fires:** No open fires are permitted aboard vessels or in the boatyard.
9. **Children:** Children, under the age of 12, must be accompanied by an adult at all times.
10. **Pets:** All animals must be leashed and cleaned up after per Homer City Code.
11. **Live-a-boards:** No one will live aboard a vessel in dry moorage without consent of the Harbormaster.

SPILL PREVENTION

1. OIL OR HAZARDOUS MATERIAL SPILLS

Owners, crewmen and contractors performing work on boats must immediately report any spills to the Harbor Office, NRC, DEC, and USCG MSD. Failure to report can result in fines. The vessel owner and vendor are responsible for the cleanliness of their dry moorage area. Fees will be assessed if City staff labor is utilized to clean a vessel's area.

- Harbor Office: 907-235-3160
- Harbor Officer On-Duty Cellphone: 907-399-1649
- EPA's National Response Center: 800-424-8802
- Alaska Dept. of Environmental Conservation: 800-478-9300
- U.S. Coast Guard Marine Safety Detachment: 907-690-2098

2. IN CASE OF A SPILL USERS SHALL:

1. Immediately stop the source of the spill.
2. Shut of all ignition sources in the area.
3. Immediately cease all smoking or welding in the area.
4. Contain the spill by using absorbent pads and booms.
5. Recover the spill as quickly as possible.
6. Notify the Harbor Office, NRC, DEC, and U.S. Coast Guard MSD.

APPENDIX A

User Agreement



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road

Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

HOMER MARINE REPAIR FACILITY USER AGREEMENT

Acct # _____

Owner Info

Owner: _____ Phone: Home: _____

Cell Phone: _____ E-Mail Address: _____

Billing Address: _____ City: _____ State: _____ Zip: _____

Haul-out Manager (if other than owner): _____ Phone: _____

Vessel Info

Vessel Name: _____ Registration Number: _____

Length Overall: _____ Beam: _____ Draft: _____ Displacement Tonnage: _____

House is: Forward Aft Height from Keel to Uppermost: Forward (ft): _____ Aft (ft) _____

Hull Type: _____ Hull Material: _____

Haul-out Info

First-time Haul-out User? Yes No Haul-out Date: _____ Launch Date: _____

Damage below Waterline? Yes No If yes, explain: _____

Nature of Work: Inspection Only Paint Zincs Propeller Shaft Rudder

Other: _____

Vendors & Service Providers Contracted to Perform Work: _____

Documents

Documents (*Required)	Date	Staff Initials	Comments
<input type="checkbox"/> Owner Registration*	_____	_____	_____
<input type="checkbox"/> Proof of Insurance*	_____	_____	_____
<input type="checkbox"/> City as Additional Insured*	_____	_____	_____
<input type="checkbox"/> BMP Provided to User*	_____	_____	_____
<input type="checkbox"/> Vendor Compliance*	_____	_____	_____
<input type="checkbox"/> Bond Discussed*	_____	_____	_____
<input type="checkbox"/> Waivers, when Required	_____	_____	_____
<input type="checkbox"/> Harbormaster's Approval*	_____	_____	_____

HOMER MARINE REPAIR FACILITY USER TERMS & CONDITIONS

1. **The City agrees** to provide dry dockage space to vessel owners under a User Agreement for the purpose of vessel repairs, maintenance, and inspections per a Harbormaster-approved work plan during the dates specified in this agreement.
2. **Responsibility.** The City does not accept the vessel, its tackle, fixtures, equipment, gear, or furnishings for storage or safekeeping belonging to either the owner or vendor. Nor does the City accept any responsibility for vendor supplies, their laborers/employees, equipment, and personnel that the vessel owner may organize or contract. The City shall not be responsible for lost fishing time, or any other lost time to the vessel, while it is hauled out or on the City-owned tidelands/beaches.
3. **Policy Compliance.** Vessel owners, their agents, crew, service providers/vendors (all referred herein as Users) agree to comply with the City of Homer's (referred herein as City) Marine Repair Facility policies and Best Management Practices (BMPs). A copy shall be provided when services are scheduled.
4. **Operational Structure.** The Homer Marine Repair Facility is being managed as an "Open Yard" facility, meaning that the User is responsible for the actual work being performed on their vessel. The City is simply facilitating the opportunity for haul-out and uplands use, and are not responsible for the finished product. This management structure gives the User the opportunity to manage their project from start-to-finish, contracting with vendors from the Approved Vendor List (provided by the City), or by using their own crew to make the repairs necessary for vessel maintenance.
5. **Vendors & Service Providers.** Contracting for all services to the vessel while it is in the boatyard, and payment for those services, is the sole responsibility of the User. Persons providing services to a vessel in the boatyard ("Vendors") must be on the City's approved vendor list. To qualify for the list, the following documents must be on file along with payment of fees: Certificate of Insurance, Alaska business license, registration for city sales tax, and professional certifications for the named trades. Vendors must abide by OSHA safety rules and regulations pertaining to their trade.
6. **Security.** Users are responsible for the security of their vessel, tools, and equipment. Other than random patrols of the boatyard, City staff will not be present during non-business hours.
7. **Insurance.** Users other than Vendors agree to have a current marine insurance policy of a "named perils" or "all risks" type that fully insures the value of the vessel, plus accident and environmental liability. A Certificate of Insurance shall be provided to the City showing coverage not less than the minimum required in the boatyard policy document. Hull and machinery coverage shall be sufficient to dispose of the vessel if abandoned, burned or otherwise left to the City.
8. **Dry Dockage.** The Harbormaster shall designate a dry storage area within the boatyard for the vessel. Charges for dry dockage are payable from the time the vessel is hauled out until the vessel is removed from the boatyard. Payment of charges for dry dockage grants a User a revocable license to use the dry dockage area that is designated for the vessel.
9. **Scheduling, Deposits, & Cancellations.** Users must plan to be in and out of the boatyard as scheduled. A deposit of 50% of the estimated costs shall be made when the User makes arrangements with the Harbormaster to use boatyard facilities. The City may require the estimated payment in full at time of scheduling. After the vessel has been launched, the deposit will be credited toward beach landing and dry dock fees. The deposit will be forfeited if: a) the vessel fails to adhere to the scheduled haul-out time, or b) the vessel owner fails to leave the facility clean after launching. A cancellation or schedule change must be communicated to the Harbormaster at least 24 hours in advance to avoid deposit forfeiture. Vessels missing their scheduled haul-out date will be accommodated on a "space available" basis.
10. **Charges:** Rates are published in the City's Terminal Tariff. All charges are billed out on a monthly basis and payable to the Homer Harbor Office. Boatyard Moorage: Charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot (10') perimeter on all sides, including all appendages. Beach Landing: Prices for the use of the City's beach for landing are based on the overall length of the vessel. Time spent on the beach prior to and after a haul-out is charged per day and will be included in the overall cost of the haul-out.
11. **Blocking.** Vessel blocking is the responsibility of the User and/or their contractors. The City has the right to inspect vessel blocking and will, if necessary, require additional blocking if it is determined to be inadequate for the job. The City will not supply, store, or furnish ships blocking, nor supply the labor needed for blocking installation/removal.
12. **Tarps.** Ground cover tarps must be placed under every vessel prior to blocking, and cover the ground under the entire vessel plus a 10 foot parameter. They must remain in place and shall be kept clean (daily) of all hazmat, paint chips, etc. Ground cover tarps will be protected during welding by placing protective welding mats in the affected areas.
13. **Ladders/Scaffolding.** User and/or Vendors will provide their own ladders and scaffolding. User assumes all risk when utilizing ladders and scaffolding.
14. **PPE:** User shall insure that personal protective equipment and clothing will be provided and worn as appropriate to each task.
15. **Sanding, Grinding, & Scraping.** Open air sanding, grinding and scraping are prohibited unless dustless systems are employed or the vessel is tented and properly vented/filtered. These precautions are to prevent escapement of airborne particulates from the vessel and soil contamination.
16. **Pressure Washing:** The Homer Marine Repair Facility does not allow pressure washing. Users who wish to remove marine growth from their vessel's hull must utilize alternative methods, such as manual removal by scraping. Ground covers must be used to collect debris and then shoveled into dumpsters, which the vessel owner provides.

17. **Disposal of Waste & Hazmat.** See the City's Marine Repair Facility policies and Best Management Practices (BMPs), and/or ask staff for details for proper disposal methods and locations.
18. **Spills & Cleanup.** User must immediately report any spills to the Harbor Office, NRC, DEC, and U.S. Coast Guard MSD. Failure to report can result in fines. User is responsible for the cleanliness of their dry moorage area. Fees will be assessed if City staff labor is utilized to clean a vessel's area.
19. **Welding/Hotworks:** Vendors contracted to weld must be certified, licensed, and insured. All persons, including the User, crewmembers, and vendors must follow all standard welding practices per OSHA regulations. Fire guards and protective measures must be in place during all welding and cutting activities. There will be no open flames (other than welding or cutting torches) and no open burning. For every welder working, each must have a person on fire watch with fire extinguisher near them. Atmospheric testing for enclosed areas shall be done when appropriate. Arc shields shall be used as appropriate and required.
20. **Storm Events:** The User/Vendors are solely responsible to take emergency measures to secure the vessel, or anything that may become airborne during a windstorm event to prevent damage/injuries caused by airborne debris from their vessel and/or dry storage location.
21. **Materials, Structures & Equipment.** Necessary materials should be on hand before each haul-out. Arrangements for storage of materials must be coordinated with the Harbormaster. Users and vendors may bring in vehicles, trailers, or set up temporary structures that fit within the dry storage site of their vessel. Unless otherwise approved, the structures must be removed after the vessel is launched. Mobile homes, travel trailers, or RVs will not be allowed without approval. If the project requires more space for project lay-down, space will be provided as available and charges will reflect actual square foot usage.
22. **Alcohol/Drug-Use in Facility:** No alcohol or drugs shall be consumed/allowed in the boatyard or aboard vessels in the boatyard.
23. **Fires:** No open fires are permitted aboard vessels or in the boatyard.
24. **Children:** Children, under the age of 12, must be accompanied by an adult at all times.
25. **Pets:** All animals must be leashed and cleaned up after per Homer City Code.
26. **Live-a-boards:** No one will live aboard a vessel in dry moorage without consent of the Harbormaster.
27. **Liability.** The City shall not be liable for death or injury to persons, or damage to property, upon the vessel, yard facilities or premises adjacent thereto arising from any cause other than the willful misconduct of the City. The User shall indemnify and hold the City and its officers and employees harmless from all claims for death or injury to persons, or damage to property, arising from their acts or omissions, their agents, service providers/vendors, crew, employees, or invitees.
28. **Default; City's Remedies.** Failure to adhere to the City's policies and best management practices can result in unsafe actions and environmentally harmful activities. When violations are observed by City staff, intentional or otherwise, work will be stopped until corrective measures are taken. If User fail to properly follow and adhere to these practices/policies and/or their agreement with the City, or fail to pay fees or charges for more than thirty (30) days after the due date, the City may exercise any available remedy, including without limitation one or more of the following: a) Terminate their User Agreement; b) Begin impoundment procedures per HCC 10.04.120 to have the vessel removed until the violation has been cured, or disposed of; c) Place a lien on the vessel per HCC 10.04.139 for towing, storage, costs of sale, attorney fees, any other charges incurred in connection with the impoundment, and charges for harbor services.
29. **No Waiver.** The failure of the City to insist upon strict performance of any provision of this Agreement, or to exercise any right or remedy available on a breach thereof, or the acceptance by the City of full or partial payments during the continuance of any breach, shall not constitute a waiver of any provision of this Agreement, and all provisions hereof shall continue in full force and effect. Nothing in this Agreement shall constitute a waiver by the City of its right to arrest any vessel to enforce a maritime lien, or any other right or remedy.
30. **Notices.** Billings and notices will be mailed to User's address as set forth herein. User shall notify the City in writing of an address change.
31. **Interpretations; Amendment.** Alaska law shall govern this Agreement. The invalidity of any provision of this Agreement shall not affect the validity of any other provision. This document, in concert with the Homer Marine Repair and Facility Best Management Practices and Policies constitutes the entire agreement of the parties. No amendment of this Agreement shall be valid unless in writing and signed by both parties.

-
- I accept full responsibility for my activities in the boatyard, and for the actions of my crew, workers, vendors and contractors.
 - I agree to have insurance covering the vessel, crew and persons working for me, as may be required by the terms and by the law.
 - I understand that there may be a security bond required in the amount estimated to dispose of the vessel should project failure or abandonment occur.
 - I accept and acknowledge that I have read and agree to the terms hereinabove and will abide by the Homer Marine Repair Facility Policies and Best Management Practices (BMP). I shall take precautions to prevent pollution to the air, ground and water. Should there be fees, fines, or cleanup required, I agree to pay such costs.

User: _____ Date: _____
 (Signature) (Print)

Harbormaster Approval: _____ Date: _____

APPENDIX B
Vendor Agreement



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road

Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

HOMER MARINE REPAIR FACILITY VENDOR AGREEMENT

Business Info

Name of Business: _____ Work Phone: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Owner's Name: _____ Cell Phone: _____

E-Mail Address: _____

Manager's Name: _____ Cell Phone: _____

General Nature of Services to be Provided: _____

Documents

Documents (*Required)	Date	Staff Initials	Comments
<input type="checkbox"/> Alaska Business License*	_____	_____	_____
<input type="checkbox"/> Borough Sales Tax Certificate*	_____	_____	_____
<input type="checkbox"/> Proof of Insurance*	_____	_____	_____
<input type="checkbox"/> City as Additional Insured*	_____	_____	_____
<input type="checkbox"/> Proof of Worker's Comp*	_____	_____	_____
<input type="checkbox"/> Certification (if required)	_____	_____	_____
<input type="checkbox"/> Certification (if required)	_____	_____	_____
<input type="checkbox"/> BMP Provided to Vendor*	_____	_____	_____
<input type="checkbox"/> Harbormaster's Approval*	_____	_____	_____

Acknowledgement & Approval

I accept and acknowledge that I have read and agree to the terms on page 2 and 3, and will abide by the Homer Marine Repair Facility Policies and Best Management Practices (BMP). I shall take precautions to prevent pollution to the air, ground and water. Should there be fees, fines, or cleanup required, I agree to pay such costs.

- ✓ I will abide by OSHA safety rules and regulations pertaining to my trade(s).
- ✓ I accept full responsibility for my activities in the boatyard and for the actions of my workers.
- ✓ I agree to have insurance covering my workmanship employees, as may be required by the terms and by the law.
- ✓ I understand that the name of my business will be available to boatyard users.

Vendor: _____ Date: _____
 (Signature) (Print)

Harbormaster Approval: _____ Date: _____

HOMER MARINE REPAIR FACILITY VENDOR TERMS & CONDITIONS

1. **The City agrees** to provide contractors, service providers, and vendors the opportunity to work in the Marine Repair Facility under a Vendor Agreement, of which will place vendors on the Approved Vendor List. The list shall be available on the City of Homer's website and given to all vessel owners utilizing the facility.
2. **Responsibility.** The City does not accept the vessel, its tackle, fixtures, equipment, gear, or furnishings for storage or safekeeping belonging to either the owner or vendor. Nor does the City accept any responsibility for vendor supplies, their laborers/employees, equipment, and personnel that the vessel owner may organize or contract. The City shall not be responsible for lost fishing time, or any other lost time to the vessel, while it is hauled out or on the City-owned tidelands/beaches.
3. **Policy Compliance:** Vendors agree to comply with the City of Homer's (referred herein as City) Marine Repair Facility policies and Best Management Practices (BMPs). A copy shall be provided when services are scheduled.
4. **Operational Structure.** The Homer Marine Repair Facility is being managed as an "Open Yard" facility, meaning that the vessel owner is responsible for the actual work being performed on their vessel. The City is simply facilitating the opportunity for haul-out and uplands use, and are not responsible for the finished product. This management structure gives the vessel owner the opportunity to manage their project from start-to-finish, contracting with vendors from the Approved Vendor List (provided by the City), or by using their own crew to make the repairs necessary for vessel maintenance.
5. **Vendors & Service Providers.** Contracting for all services to the vessel while it is in the boatyard, and payment for those services, is the sole responsibility of the vessel owner. Persons providing services to a vessel in the boatyard ("Vendors") must be on the City's approved vendor list. To qualify for the list, the following documents must be on file along with payment of fees: Certificate of Insurance, Alaska business license, registration for city sales tax, and professional certifications for the named trades. Vendors must abide by OSHA safety rules and regulations pertaining to their trade.
6. **Security:** Vendors and vessel owners are responsible for the security of their property. Other than random patrols of the boatyard, harbor staff will not be present during non-business hours.
7. **Insurance:** Vendors must have on-file with the City a current certificate of insurance to cover all of the services to be provided. All vendors must carry a minimum of \$1,000,000 per incident and \$2,000,000 in aggregate liability insurance and the City must be included as additional insured. Copies of the insurance policy must be on file with the Harbor Office before work may begin. Vendors must provide proof of longshore and harbor worker, workman's compensation insurance, or proof that such coverage is waived.
8. **Scheduling:** Vendors must plan to work within the vessel-owner's scheduled boatyard time.
9. **Dry Dockage:** The City shall designate a dry moorage area within the boatyard for each vessel. Vendors may work within the vessel's designated dry moorage area. Additional space may be rented from the City if available. Rates are published in the City's Terminal Tariff.
10. **Charges:** To remain on the list, every year vendors must complete the Vendor Agreement with the City and pay an annual fee before providing services. In the circumstance that a vendor is being hired to provide services during a one-time job, but is not on the Approved Vendor List, the vendor must complete the Vendor Agreement, provide the required documents, and opt to pay the "one-time" vendor fee instead of the annual fee. Rates are published in the City's Terminal Tariff. All charges are payable to the Homer Harbor Office.
11. **Tarps.** Ground cover tarps must be placed under every vessel prior to blocking, and cover the ground under the entire vessel plus a 10 foot parameter. They must remain in place and shall be kept clean (daily) of all hazmat, paint chips, etc. Ground cover tarps will be protected during welding by placing protective welding mats in the affected areas.
12. **Ladders/Scaffolding.** Vendors will provide their own ladders and scaffolding. Vendor and/or vessel owner assumes all risk when utilizing ladders and scaffolding.
13. **PPE:** Vendor and/or vessel owner shall insure that personal protective equipment and clothing will be provided and worn as appropriate to each task.
14. **Sanding, Grinding, & Scraping.** Open air sanding, grinding and scraping are prohibited unless dustless systems are employed or the vessel is tented and properly vented/filtered. These precautions are to prevent escapement of airborne particulates from the vessel and soil contamination.
15. **Pressure Washing:** The Homer Marine Repair Facility does not allow pressure washing.
16. **Disposal of Waste & Hazmat.** See the City's Marine Repair Facility policies and Best Management Practices (BMPs), and/or ask staff for details for proper disposal methods and locations.
17. **Spills & Cleanup.** The Vendor/vessel owner must immediately report any spills to the Harbor Office, NRC, DEC, and U.S. Coast Guard MSD. Failure to report can result in fines.
18. **Welding/Hotworks:** Vendors contracted to weld must be certified, licensed, and insured. All persons, including the vessel owner, crewmembers, and vendors must follow all standard welding practices per OSHA regulations. Fire guards and protective measures must be in place during all welding and cutting activities. There will be no open flames (other than welding or cutting torches) and no open burning. For every welder working, each must have a person on fire watch with fire extinguisher near them. Atmospheric testing for enclosed areas shall be done when appropriate. Arc shields shall be used as appropriate and required.

19. **Storm Events:** The Vendor/vessel owner are solely responsible to take emergency measures to secure the vessel, or anything that may become airborne during a windstorm event to prevent damage/injuries caused by airborne debris from their vessel and/or dry storage location.
20. **Materials, Structures & Equipment.** Necessary materials should be on hand before each haul-out. Arrangements for storage of materials must be coordinated with the Harbormaster. Users and vendors may bring in vehicles, trailers, or set up temporary structures that fit within the dry storage site of their vessel. Unless otherwise approved, the structures must be removed after the vessel is launched. Mobile homes, travel trailers, or RVs will not be allowed without approval. If the project requires more space for project lay-down, space will be provided as available and charges will reflect actual square foot usage.
21. **Alcohol/Drug-Use in Facility:** No alcohol or drugs shall be consumed/allowed in the boatyard or aboard vessels in the boatyard.
22. **Fires:** No open fires are permitted aboard vessels or in the boatyard.
23. **Children:** Children, under the age of 12, must be accompanied by an adult at all times.
24. **Pets:** All animals must be leashed and cleaned up after per Homer City Code.
25. **Live-a-boards:** No one will live aboard a vessel in dry moorage without consent of the Harbormaster.
26. **Liability:** The City shall not be liable for death or injury to persons, or damage to property, upon the vessel, yard facilities or premises adjacent thereto arising from any cause other than the willful misconduct of the City. Vendors shall indemnify and hold the City and its officers and employees harmless from all claims for death or injury to persons, or damage to property, arising from their acts or omissions, their agents, service providers/vendors, crew, employees, or invitees.
27. **Refusal of Service/Access:** The City reserves the right to refuse access to Vendors that: (a) do not have a current Alaska Business License, (b) fail to register for, collect, and remit sales tax, (c) lack sufficient insurance, (d) fail to comply with the City's Marine Repair Facility policies and Best Management Practices (BMPs), or (e) fail to comply with safety practices.
28. **Default in Compliance; City's Remedies:** Failure to adhere to the City's policies and best management practices can result in unsafe actions and environmentally harmful activities. When violations are observed by City staff, intentional or otherwise, work will be stopped until corrective measures are taken. If Vendor fails to properly follow and adhere to these practices/policies and/or their agreement with the City, or fail to pay fees or charges for more than thirty (30) days after the due date, the City may exercise any available remedy, including without limitation to terminate their Vendor Agreement.
29. **No Waiver:** The failure of the City to insist upon strict performance of any provision of this agreement, or to exercise any right or remedy available on a breach thereof, or the acceptance by the City of full or partial payments during the continuance of any breach, shall not constitute a waiver of any provision of this agreement, and all provisions hereof shall continue in full force and effect. Nothing in this agreement shall constitute a waiver by the City of its right to arrest any vessel to enforce a maritime lien, or any other right or remedy.
30. **Notices.** Billings and notices will be mailed to User's address as set forth herein. User shall notify the City in writing of an address change.
31. **Interpretations; Amendment:** Alaska Law shall govern this agreement. The invalidity of any provision of this agreement shall not affect the validity of any other provision. This document, in concert with the Homer Marine Repair and Facility Best Management Practices and Policies constitutes the entire agreement of the parties. No amendment of this Agreement shall be valid unless in writing and signed by both parties.

I accept and acknowledge that I have read and agree to the terms on page 2 and 3 and will abide by the Homer Marine Repair Facility Policies and Best Management Practices (BMP). I shall take precautions to prevent pollution to the air, ground and water. Should there be fees, fines, or cleanup required, I agree to pay such costs.

- I will abide by OSHA safety rules and regulations pertaining to my trade(s).
- I accept full responsibility for my activities in the boatyard and for the actions of my workers.
- I agree to have insurance covering my workmanship employees, as may be required by the terms and by the law.
- I understand that the name of my business will be available to boatyard users.

Vendor Initials: _____ Date: _____

APPENDIX C

Fee Schedule



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road

Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

HOMER MARINE REPAIR FACILITY FEE SCHEDULE

Please add 7.5% sales tax to fees *unless* otherwise noted
Fees Effective 10/26/2015

- Upland Dry Dockage: \$0.17/square foot per month for vessels paying annual harbor moorage
\$0.20/square foot per month for vessels paying transient daily, monthly, semi-annual harbor moorage
- Beach Landing: \$1.50 per linear foot per calendar day
- Vendor Fee: \$150.00 per calendar year
- Harbor Labor: \$102.00 per hour/\$51.00 minimum
- Administration Fee: \$50.00 per month of Dry Dockage Use

A full list of fees can be found in the Port and Harbor Homer Terminal Tariff No. 600. Hard copies are available upon request or at <http://www.cityofhomer-ak.gov/port/port-harbor-terminal-tariff-no-600>

APPENDIX D
Work Plan Sample

Lucky Louie
F/V Sleepless Nights
1234 Main Street
Homer, AK 99603

Haul-out plan for the F/V Sleepless Nights:

Overview:

We plan to use the 19.3' at 4:21pm tide on October 15, 2015 to put the boat on the beach. Rawhide Boat Rollers will have their airbags on the beach and we will let the boat go dry on the bags. Rawhide will begin inflating the bags as soon as the tide recedes and begin moving the Sleepless Nights up the beach into the boat yard. We estimate that it may take two tides to roll the boat off the beach into the yard.

Once in the uplands, we will proceed to the location indicated by the Harbormaster and position the boat overtop of the ground cover that extends out from all sides of the vessel by 10'. Once in place, our crews will block the vessel and then the airbags will be deflated and removed.

Description of work to be performed:

At this time, we plan to repair the damage caused by grounding, pull the rudders, props and shafts, sandblast and paint, and then put it all back together with the last step being welding on Zincs. However, once we get the boat on blocks and are able to perform a thorough inspection, we may find other unanticipated damage. If more damage is found we may need to adjust our estimated timeline, but as it stands now we believe that our crew and contractors will be able to do this work within the two months that we have scheduled.

Haul maintenance:

Besides repairing the hull damage from the grounding, we plan to sandblast and paint the hull.

Mechanical:

We will be pulling the rudders, props, and shafts in this project. We will have the shafts turned at Strait Shooters Machine Shop and the propellers will be trued up by fairly honest Harry's Prop Shop.

Fabrication:

We intend to have the steel fabrication work done by Sparks A Lot Welding fabricators for hire.

Inspection:

Coast Guard MSD will inspect the fabrication work at various stages of completion and I, the vessel owner, will inspect the sandblasting and paint applications.

Work crew:

The work crew will be made up of a combination of my boat crew for the (unskilled labor) and the contractors that are hired from the city of Homer marine repair yard approved vender list to help with the skilled labor portions of the project.

At this time the contractors that I have made agreements with are welding Sparks A Lot Welding machining Strait Shooters Sandblasting/painting will be performed by Looking Good painters

Haul-out contractor and equipment:

We intend to hire Rawhides Boat Rollers to move the Sleepless Nights from the beach into the repair yard and then put us back into the water once the work is completed.

Containment plans and waste disposal:

- Welding mats will be laid down over the ground covering to protect it from welding and cutting damage.

- Work areas will be cleaned up daily by my boat crew to ensure that the work site is clean and that debris doesn't blow out onto the unprotected ground.
- After the fabrication work is complete, we intend to build a temporary shelter around the Sleepless Nights that will contain the dust caused by sandblasting. This area will be kept clean during the whole process. Exhaust air from the enclosure will be filtered to keep so that blasting dust does not escape into the environment.
- We plan to spray on the paint coatings with an airless spray rig once the hull is prepared. This will be done undercover as well so as to ensure there are no overspray issues and for coatings quality. We will rent a job site furnace to control the temp inside the covered work area.
- We will contract with Dumpys's Refuse Disposal for a dumpster to be located on site.
- We have contacted KPB landfill to discuss the proper disposal of the hazardous waste that will be generated from the project (paint slops and thinner).
- All waste generated from this project will be disposed of properly in dumpsters provided by me for the project. None of our project waste will be disposed of in the harbor dumpsters or waste disposal locations at the harbor.
- We will also have a Port-A-Potty on site for the work crews to use during this project.

Launch date:

At this time it is our intention to complete our work and launch the Sleepless Nights on December 13, 2015 at 3:16pm on the 20.0' tide.

Additional information:

- As the owner of the Sleepless Nights, I will be the project manager for this project. I intend to be on site every day for the duration of this project to ensure quality and cost control. However, if I am called away for some unforeseen reason, my relief Captain, Wrong Side Sam (new nickname since the grounding) will take over the project in my place.
- I will post contact information on the project site and will follow the rules listed in and agreed to in the Homer Marine Repair Facility user agreement.
- I also plan to stage a 20' conex van next to the project for secure equipment storage, and we may need to have a small travel trailer on site to use as a warm-up shack depending on the weather.
- Materials and supplies we'll be purchased from local merchants.
- I have rented a vacation rental for crew housing for the duration of the project. No one will be living on board the Sleepless Nights while it's in the repair yard.

APPENDIX E

Haul-Out & Launch Estimate Worksheet



HOMER MARINE REPAIR FACILITY HAUL-OUT & LAUNCH ESTIMATE WORKSHEET

To better aid users of the haul-out facility, this estimate worksheet will help determine how a general cost of hauling a vessel out in the Homer uplands. The required 50% Security Deposit is based on the estimated costs, which is determined by the user's haul-out work plan and the Marine Repair Facility's fee schedule.

All charges are billed out on a monthly basis and payable to the Homer Harbor Office. Upland Dry Dock charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot (10') perimeter on all sides, including all appendages and additional space requested. Prices for the use of the City's beach for landing are based on the overall length of the vessel. Time spent on the beach prior to and after a haul-out is charged per day and will be included in the overall cost of the haul-out.

Example of Estimating Costs

The F/V Sleepless Nights is a 120' landing craft with a 40' beam, which pays Transient Annual moorage in the Homer Harbor. They plan on being hauled out for two months with the possibility of staying longer, and also need additional space for a 20' Conex.

It lands on the City's beach the day before their scheduled haul-out and spend a total of two calendar days on the beach. Beach Landing charges will be:

$$\text{Beach Landing: } \$1.50 \times 120' = \$180 \times 2 \text{ days} = \$360.00 + \text{tax } (\$27.00) = \$387.00$$

After being hauled out, the Sleepless Nights is charged per square foot, plus a ten foot perimeter on all sides. They also require additional space for a 20' Conex. Dry Dockage charges are billed out on a per month basis and will be:

$$\begin{aligned} 120' + 20' \text{ (10' on each side)} &= 160' \text{ overall length} \\ 40' + 20' \text{ (10' on each side)} &= 60' \text{ overall width} \\ 160' \times 60' &= 9,600 \text{ sq ft} + 20' \times 10' = 200 \text{ sq ft} = 9,800 \text{ overall square feet} \end{aligned}$$

$$\text{First Month: } 9,800 \times \$0.17 = \$1,666 + \$50 \text{ Admin Fee} = \$1,716 + \text{tax } (\$128.70) = \$1,844.70$$

$$\text{Second Month: } 9,800 \times \$0.17 = \$1,666 + \$50 \text{ Admin Fee} = \$1,716 + \text{tax } (\$128.70) = \$1,844.70$$

Halfway through the scheduled haul-out, unforeseen circumstances require an additional two weeks of work. The owner of the Sleepless Nights contacts the Harbormaster to confirm the delay will work with the haul-out schedule and to get the work plan changes approved. Further Dry Dockage charges will be:

$$\text{Third Month: } 9,800 \times \$0.17 = \$1,666 + \$50 \text{ Admin Fee} = \$1,716 + \text{tax } (\$128.70) = \$1,844.70$$

The launching date arrives and the Sleepless Nights is rolled out of the uplands onto the beach. The boat stays there for one calendar day as it waits for the next tide. An inspection by the Harbormaster of the uplands shows that the area was cleared properly by the vessel owner; no additional fees for cleanup will be charged. The second Beach Landing charges will be:

$$\text{Beach Landing: } \$1.50 \times 120' = \$180 \times 1 \text{ day} = \$180.00 + \text{tax } (\$13.50) = \$193.50$$

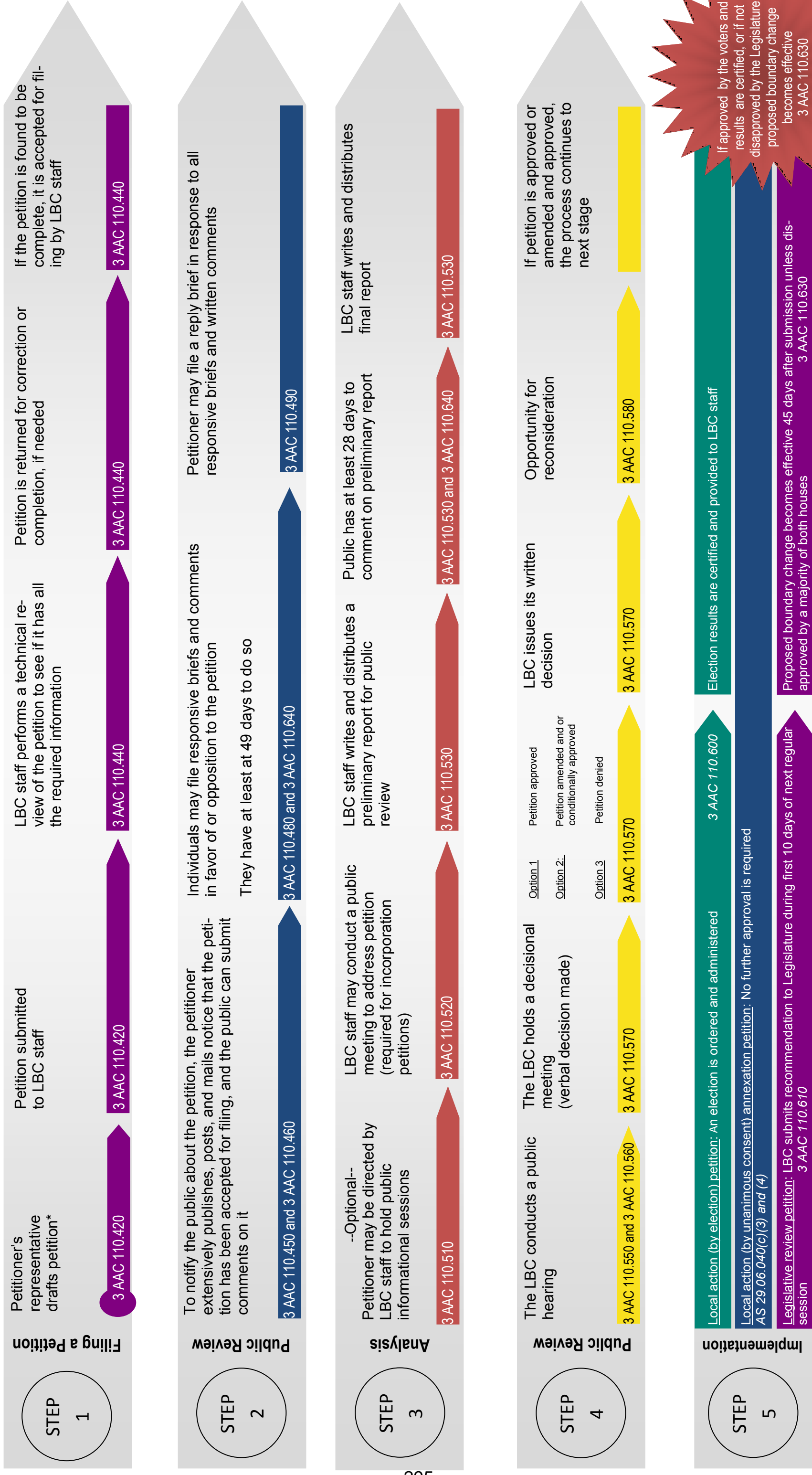
Total estimated costs for the Sleepless Nights hauling out are \$6,114.60. The 50% Security Deposit, paid at the time of scheduling, will be \$3,057.30. There being no defaults, this security deposit will be applied to the vessel's account.

APPENDIX F

Facility Overview



Municipal Boundary Change Petition Procedures—Local Boundary Commission



* Legislative review annexations require petitioner to hold a hearing before filing petition per 3 AAC 110.425

January 8, 2018

Katie Koester, City Manager
City of Homer
491 East Pioneer Ave
Homer, Alaska 99603

Dear Ms. Koester:

Enclosed is an award certificate that the City of Homer has earned for outstanding loss control efforts. You are to be commended for a job well done!

Every year, we take time to recognize our members who are effectively reducing risks and maintaining a safe environment for their citizens and employees. The AMLJIA awards members with a Platinum, Gold, Silver or Bronze award for loss ratios below 25 percent of their deposit contribution. This is quite an accomplishment and is a key factor to keeping the pool strong and your rates stable. Should you need a frame for your certificate, please contact us and we will send one to you.

Since we began business in 1988, the AMLJIA has become the leading provider of risk management training, services, and coverage for Alaska's local government entities. The AMLJIA is the strongest pool in Alaska, both financially and in terms of membership. Your pool is considered to be one of the best in the nation by other state municipal league-sponsored pools and is recognized by the Association of Governmental Risk Pools for meeting their advisory standards. You should be proud of the success of your program. When communities and schools take full advantage of the training and services provided for AMLJIA members, it ensures you as a member have all the tools necessary to keep losses to a minimum.

The AMLJIA could not have achieved this success without the commitment and dedication of members like you. The City of Homer is an important member of the AMLJIA program. On behalf of the board and the rest of the membership, I want to thank you for your commitment. Together, we are making a difference!

Sincerely,



Grady Fisher
Acting Executive Director



LOSS CONTROL AWARD



This is to recognize that the

City of Homer

achieved Gold status in loss control for keeping losses to less than ten percent of contribution during Fiscal Year 2016.

AMLIA Executive Director

AMELIA Board of Trustees Chair



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: JANUARY 16, 2018
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS FOR OPERATION OF FISH PUMP SERVICES ON THE HOMER PORT & HARBOR FISH DOCK This RFP was advertised in the Homer News December 7th and 14th, sent to two Plan's Rooms in the State, posted on the City of Homer website, and included in the City Council packet bid report December 11, 2017 and January 8, 2018. An optional pre-proposal meeting was held on December 19, 2017. The deadline to submit proposals was January 12, 2018 at 4:00 p.m. No parties registered on the Plan Holder's list and no proposals were received.

REQUESTS FOR PROPOSALS TO LEASE SPACE AT THE HOMER AIRPORT TERMINAL This RFP was advertised in the Homer News December 7th and 14th, sent to three Plan's Rooms in the State, posted on the City of Homer website, and included in the City Council packet bid report December 11, 2017 and January 8, 2018. The deadline to submit proposals was January 15, 2018 at 8:30 a.m. No parties registered on the Plan Holder's list and no proposals were received.

INVITATION TO BID HARBORMASTER BUILDING EMERGENCY GENERATOR 2018

Sealed bids for the construction of the Harbormaster Building Emergency Generator 2018 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 p.m. on Thursday, February 8, 2018**, 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. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>. A non-mandatory Pre-Bid Conference will be held at 1:30 p.m. on Friday, January 19, 2018 at the Harbormaster's office to answer bidder's questions. This project is funded through a State of Alaska - Division of Homeland Security & Emergency Management grant. The City's local bidder preference requirement does not apply to this contract. State prevailing wage rates will apply only if total contract cost exceeds \$25,000. Pay prevailing wages rates (Federal or State, whichever is higher).

INVITATION TO BID HOMER WASTEWATER TREATMENT PLANT HVAC REHABILITATION 2018

Sealed bids for the construction of the Homer Wastewater Treatment Plant HVAC Rehabilitation 2018 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 p.m. on Thursday, February 22, 2018**, 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. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>. A Pre-Bid Conference will be held at 1:30 p.m. on Wednesday, January 31, 2018 at the Homer Public Works facility, 3575 Heath Street to answer bidder's questions. This project is funded through the City of Homer's Sewer Reserve Account. The City's local bidder preference requirement will apply to this contract. State prevailing wage rates will apply.

REQUEST FOR PROPOSALS FOR AN OPERATION & MAINTENANCE CONTRACT OF THE PORT & HARBOR FISH GRINDING FACILITY

City of Homer's Port and Harbor is requesting proposals from qualified firms for the seasonal operation of the Fish Grinding Facility. The successful proposer will be contracted to operate and maintain the Fish Waste Grinding Facility during sport/commercial fishing seasons, May 1 to October 20, for three consecutive years, 2018 to 2020. Operation and maintenance tasks include, but are not limited to the following: provide labor to grind the fish waste that is delivered to the fish grinder; provide routine maintenance on the fish grinder equipment and the tote dump system; provide 20 non-insulated fish totes with lids and a forklift capable of lifting 1,500 pounds; verify the documented deliveries, collect samples required by ADEC, and submit findings and delivery record book to the Port and Harbor. An **optional Pre-Close RFP meeting will be held Tuesday, January 16, 2018 at 2:00 pm** at the Fish Grinder Facility located at 810 Fish Dock Road on the Homer Spit. Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. 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, Thursday, February 8, 2018**. Proposals received after the time fixed for receipt of the Proposal shall not be considered.

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-013

TO: MAYOR ZAK AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: JANUARY 22, 2017
SUBJECT: NEW STANDARD MARIJUANA CULTIVATION FACILITY LICENSE FOR ALASKA LOVEN IT, LLC

We have been notified by the Alcohol Marijuana Control Office of an application for a new standard marijuana cultivation facility license in the City of Homer for the following:

Type: Standard Marijuana Cultivation Facility
Lic #: 12833
DBA Name: Alaska Loven It
Service Location: 2908 Kachemak Drive, Homer, Alaska
Licensee: Alaska Loven It, LLC
Designated Licensee: Dan Coglianese
Mailing Address: PO Box 1571, Homer, AK 99603

RECOMMENDATION: Voice non objection and approval for the new retail marijuana license.

Fiscal Note: Revenues.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: January 16, 2018
TO: Katie Koester, City Manager
FROM: Mark Robl, Chief of Police
SUBJECT: Alaska Loven IT, LLC

On Friday, January 12th, the police department received a call from an enforcement officer with the marijuana control board. The officer told us they had received a complaint about marijuana odors emanating from the building at 2908 Kachemak Drive. The officer explained there is a pending application from Alaska Loven IT LLC to operate a standard marijuana cultivation facility at that address but it had not yet been approved. He stated no marijuana plants should be in the building.

Lt. Hutt responded to the call and met with the license applicant, Dan Coglianese. Lt. Hutt was granted access to the building and discovered 24 marijuana plants, approximately four feet tall and appearing to be half way to full maturity. Coglianese stated he wasn't sure if he could have the plants on location and was anticipating his start-up date.

The police department has relayed this information to the Marijuana Control Board. As of this date, the board has not decided what action they will take. I have judged this to be a license violation which is the responsibility of the board to address.

The application for this marijuana cultivation license was delivered to the city for comments approximately two weeks ago. I reviewed the application and found it to be complete. I initially prepared a memo to council recommending non-objection. I am now informing the council of the latest developments regarding this licensee for council's consideration.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street

Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

Memorandum

TO: Hayley Smith, Deputy City Clerk

FROM: Mark Robl, *Mark Robl* Police Chief

DATE: January 10, 2018

SUBJECT: New Standard Marijuana Cultivation Facility License for Alaska Loven It, LLC.

There is no objection to this application for a new retail marijuana license with in the City of Homer for the following business:

Type: Standard Marijuana Cultivation Facility
Llc#: 12833
DBA Name: Alaska Loven It
Service Location: 2908 Kachemak Drive
Licensee: Alaska Loven It, LLC
Designated Licensee: Dan Coglianese
Mailing Address: PO Box 1571, Homer, AK 99603

Mark Robl, Police Chief



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: Mark Robl, Police Chief
FROM: Hayley Smith, Deputy City Clerk
DATE: January 10, 2018
SUBJECT: New Standard Marijuana Cultivation Facility License for Alaska Loven It LLC

We have been notified by the Alcohol Marijuana Control Office of an application for a new marijuana cultivation license in the City of Homer for the following:

Type: Standard Marijuana Cultivation Facility
Lic #: 12833
DBA Name: Alaska Loven It
Service Location: 2908 Kachemak Drive
Licensee: Alaska Loven It, LLC
Designated Licensee: Dan Coglianesi
Mailing Address: PO Box 1571, Homer, AK 99603

This matter is scheduled for the January 22, 2018 City Council meeting. Please respond with objections/non-objections to this new retail marijuana license by **10:00 am. Wednesday, January 17, 2017.**

Thank you for your assistance.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

December 29, 2017

State of Alaska

Alcohol and Marijuana Control Board

500 W 7th Avenue, Suite 1600

Anchorage, AK 99501

marijuana.licensing@alaska.gov

RE: New License 12833, Alaska Lovin It, LLC, Standard Marijuana Cultivation Facility

Ericka McConnell,

As part of the City of Homer's application review process, I am designated per Homer City Code (HCC) 21.62.040 to make recommendations on all proposed marijuana establishments within city limits. The proposed establishment is found in the General Commercial District 2 (GC2) and, as such, is a permitted use. According to adopted buffer zones (HCC 21.62.070), I find that the proposed location is not known to be encroaching into any area of exclusion.

After review of the site and application, I forward my positive recommendation for approval of the license.

Sincerely,

Rick Abboud, AICP
Homer City Planner

Alcohol & Marijuana Control Office

License Number: 12833

License Status: New

License Type: Standard Marijuana Cultivation Facility

Doing Business As: ALASKA LOVEN IT, LLC

Business License Number: 1052906

Designated Licensee: Dan Coglianese

Email Address: alaskacitysupply@gmail.com

Local Government: Homer

Community Council:

Latitude, Longitude: 59.645021, -151.461600

Physical Address: 2908 Kachemak Drive
Homer, AK 99603
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10056827

Alaska Entity Name: Alaska Loven It, LLC

Phone Number: 907-942-5899

Email Address: alaskacitysupply@gmail.com

Mailing Address: PO Box 1571
Homer, AK 99603
UNITED STATES

Entity Official #1

Type: Individual

Name: Dan Coglianese

Phone Number: 907-942-5899

Email Address: alaskacitysupply@gmail.com

Mailing Address: PO Box 1571
Homer, AK 99603
UNITED STATES

Entity Official #2

Type: Individual

Name: Janiese Stevens

Phone Number: 907-486-1792

Email Address: jstevens@ak.net

Mailing Address: 326 Neva Way
Kodiak, AK 99615
UNITED STATES

Affiliate #1

Type: Individual

Name: Dan Coglianese

Phone Number: 907-942-5899

Email Address: alaskacitysupply@gmail.com

Mailing Address: PO Box 1571
Homer, AK 99603
UNITED STATES

Affiliate #2

Type: Individual

Name: Janiese Stevens

Phone Number: 907-486-1792

Email Address: jstevens@ak.net

Mailing Address: 326 Neva Way
Kodiak, AK 99615
UNITED STATES



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Loven It, LLC				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	AK	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

Name:	Dan Coglianese
Title:	Owner

Section 3 – Other Licenses

Ownership and financial interest in other licenses: Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Section 4 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

DC

I certify that I am not currently on felony probation or felony parole.

DC

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

DC

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

DC

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

DC

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

DC

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

DC

I certify that my proposed premises is not located in a liquor licensed premises.

DC

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

DC

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) and affiliates (as defined in 3 AAC 306.990(a)(1)) have been listed on my online marijuana establishment license application.

DC

I certify that all proposed licensees have been listed on my application with the Division of Corporations.

DC

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.

DC



Alaska Marijuana Control Board Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that I have examined the online application and this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find them to be true, correct, and complete.

Dan Coglianese
Signature of licensee

Dan Coglianese

Printed name

Subscribed and sworn to before me this 5th day of July, 2017.



Alma N. Finnerty
Notary Public in and for the State of Alaska.

My commission expires: 03-05-2019



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Loven It, LLC				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	AK	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee or affiliate.

Name:	Janiese Stevens
Title:	Owner

Section 3 – Other Licenses

Ownership and financial interest in other licenses: Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

[Handwritten initials]

I certify that I am not currently on felony probation or felony parole.

[Handwritten initials]

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

[Handwritten initials]

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

[Handwritten initials]

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

[Handwritten initials]

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

[Handwritten initials]

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

[Handwritten initials]

I certify that my proposed premises is not located in a liquor licensed premises.

[Handwritten initials]

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

[Handwritten initials]

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) and affiliates (as defined in 3 AAC 306.990(a)(1)) have been listed on my online marijuana establishment license application.

[Handwritten initials]

I certify that all proposed licensees have been listed on my application with the Division of Corporations.

[Handwritten initials]

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.

[Handwritten initials]



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

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Phone: 907.269.0350

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that I have examined the online application and this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find them to be true, correct, and complete.

Signature of licensee

Janiese Stevens

Printed name

Subscribed and sworn to before me this 12th day of July, 2017.



Notary Public in and for the State of Alaska.

My commission expires: 03-05-19



Alaska Marijuana Control Board



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Cover Sheet for Marijuana Establishment Applications

What is this form?

This cover sheet **must** be completed and submitted any time a document, payment, or other marijuana establishment application item is emailed, mailed, or hand-delivered to AMCO's main office.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	ALASKA LOVEN IT, LLC		
Physical Address:	2908 Kachemak Drive		
City:	Homer	State:	AK
		Zip Code:	99603
Designated Licensee:	Dan Coglianese		
Email Address:	alaskacitysupply@gmail.com		

Section 2 – Attached Items

List all documents, payments, and other items that are being submitted along with this page.

Attached Items:	<p style="text-align: center;">Form MJ-01: Operating Plan revised 10/19/17</p>
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OFFICE USE ONLY

Received Date:		Payment Submitted Y/N:		Transaction #:	
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Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

What is this form?

An operating plan is required for all marijuana establishment license applications. Applicants should review **Title 17.38 of Alaska Statutes** and **Chapter 306 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Security
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Waste disposal
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising
- Control plan for persons under the age of 21

Applicants must also complete the corresponding operating plan supplemental forms (**Form MJ-03**, **Form MJ-04**, **Form MJ-05**, or **Form MJ-06**) to meet the additional operating plan requirements for each license type.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Loven It				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	ALASKA	ZIP:	99603
Mailing Address:	PO Box 1571				
City:	Homer	State:	ALAS	ZIP:	99603
Primary Contact:	Dan Coglianese				
Main Phone:		Cell Phone:	907-942-5899		
Email:	Alaskacitysupply@gmail.com				



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 2 – Security

Review the requirements under 3 AAC 306.710 – 3 AAC 306.720 and 3 AAC 306.755, and identify how the proposed premises will meet the listed requirements.

Describe how the proposed premises will comply with each of the following:

Restricted Access Areas (3 AAC 306.710):

Describe how you will prevent unescorted members of the public from entering restricted access areas:

As required by 3 AAC 306.710, any and all portions of the cultivation facility that marijuana is handled, packaged, cured, grown and stored is a "RESTRICTED ACCESS AREA" and will be designated with large signs that state "RESTRICTED ACCESS AREA. VISITOR MUST BE ESCORTED". All visitors will be approved by management and given an access visitor ID badge (to be visible at all times) prior to entrance onto the premises. All visitors will be escorted at all times by "Authorized Personnel". Authorized Personnel are employees with a valid Marijuana Handler's Card with ID badge/key access to the premises. Entrance to the facility is monitored by badge key access and video surveillance on all sides.

Describe your processes for admitting visitors into and escorting them through restricted access areas:

As a Alaska Loven It LLC policy, we will not permit a group of more than 5 visitors on the premises at one time. Any and all visitors will be processed by management prior to being granted a visitor's pass/badge. Any and all visitors without a visitor's ID pass/badge will be asked to leave the premises and law enforcement will be notified. As required by 3 AAC 306.350, Alaska Loven It, LLC management will require any and all visitors to produce a valid form of photographic identification to show that they are 21 years of age or older. This includes (1) an unexpired, unaltered passport; (2) an unexpired, unaltered driver's license, instruction permit or identification card of a state or territory of the United States, the District of Columbia or a province or territory of Canada; (3) an identification card issued by a federal or state agency authorized to issue a driver's license or identification card. Once visitors are granted a badge/pass ID by management, our Authorized Personnel that will be escorting each visitor, signs out and disburses pass/badges. Each visitor will need to have pass ID visible at all times. Authorized Personnel will maintain visual contact with any and all visitors at all times. Any violation of policy will result in removal of violator off the premises.





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Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Describe your recordkeeping of visitors who are escorted into restricted access areas:

All visitors who meet the criteria for entering the facility will be added to our visitor file to record the visit's date, time in/out, non disclosure agreement, visitor policy and procedures agreement, photo copy of identification, signature of the designated employee who supervised the visit and any other pertinent information pursuant to 3AAC306.755(6) as well as our video surveillance records. All visitor records will be stored electronically as well as hard copy to ensure the document will be retained. All visitor records will be permanently retained.

Provide a copy of a sample identification badge to be displayed by each licensee, employee, or agent while on the premises:

See attached



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

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Describe your recordkeeping of visitors who are escorted into restricted access areas:

All visitors who meet the criteria for entering the facility will be added to our visitor file to record the visit's date, time in/out, non disclosure agreement, visitor policy and procedures agreement, photo copy of identification, signature of the designated employee who supervised the visit and any other pertinent information pursuant to 3AAC306.755(6) as well as our video surveillance records. All visitor records will be stored electronically as well as hard copy to ensure the document will be retained. All visitor records will be permanently retained.

Provide a copy of a sample identification badge to be displayed by each licensee, employee, or agent while on the premises:





Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Security Alarm Systems and Lock Standards (3 AAC 306.715):

Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

Property has exterior lighting sufficient for surveillance of the facility. Cameras are equipped with IR and motion sensors that alert management with a text in the event motion is detected. Management will be able to access view from that camera or any camera view on the premises with their cell phone.

An alarm system is required for all license types. Describe the security alarm system for the proposed premises:

Our alarm system will be accessible from management cell phones at all times. In addition to the video surveillance access, any motion detected by our cameras will send an alarm to our management by text. Panic button will be installed within the facility. All cameras will be equipped with motion sensor, IR capabilities.

The alarm system must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe how the security alarm system meets this requirement:

Alaska Loven It LLC has one access door that is locked with badge key access for our employees. We do have four fire/exit doors that do not have a handle on the exterior and will be marked as such with proper signage. The facility does not have windows. Premises is protected by Cardoso Integrated Security 24/7 video surveillance and law enforcement alert. Motion detectors that monitor any movement will alert our management with a text. Management is able to log onto their cell phone and view all angles of surveillance around the premises. The video surveillance alarm system will be set at all times when there is not anyone present at the cultivation facility.





Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Describe your policies and procedures for preventing diversion of marijuana or marijuana product:

All owners and employees of Alaska Loven It LLC, along with visitors to the premises, will be held to a zero-tolerance policy on the diversion of marijuana. Our electronic tracking system of all marijuana product from seed to testing, packaging, disposal and selling process is one barrier layer for preventing diversion. Another barrier is reviewing our surveillance videos once a week and monthly inventory audits of our product. Any alerts within the electronic tracking system of any diversion will result in an investigation of all employees on shift, reassessing our computer system for information on product in question and review surveillance videos. The Marijuana Control Board will be notified as well as the proper authorities. Any persons involved will be prosecuted to the fullest extent of the law.

Describe your policies and procedures for preventing loitering:

Alaska Loven It, LLC is closed off to the public by a gate with clear signs that state "NO TRESPASSING", "THIS PROPERTY IS PROTECTED BY VIDEO SURVEILLANCE", "TRESPASSERS WILL BE PROSECUTED". Standard policy is to notify law enforcement of any violators or any suspicious activities.

Describe your policies and procedures regarding the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of the proposed premises:

Alaska Loven It, LLC policy is that we are better safe than sorry. All cameras are equipped with motion sensors that will alert all management of any movement around the premises. We are able to access our security surveillance video at any and all times. We will install panic buttons on all vehicles transporting all marijuana goods as well as a tracking device. Panic buttons will be installed within the facility and accessible to employees if ever we are in a compromising position.



Alaska Marijuana Control Board



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Form MJ-01: Marijuana Establishment Operating Plan

Describe your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when any automatic or electronic notification system alerts a local law enforcement agency of an unauthorized breach of security:

During business hours, if the system security is breached, our facility will immediately be put on lock down until breach in security has been identified and the premises is secure. Await the arrival of law enforcement and log an incident report of the breach in security. Alaska Loven It LLC management will assess incident reports to make any needed changes to our security or protocol and implement those changes. If the incident is after hours, our 3rd party security company will alert law enforcement and aid in communication with law enforcement. Management will notify AMCO after any unauthorized access to the premises or if management has knowledge of evidence or circumstances that reasonably indicate theft, diversion or unexplained disappearance of marijuana, marijuana products or money from the licensed premises.

Video Surveillance (3 AAC 306.720):

All licensed marijuana establishments must meet minimum standards for surveillance equipment. Applicants should be able to answer "Yes" to all items below.

Video surveillance and camera recording system covers the following areas of the premises:	Yes	No
Each restricted access area and each entrance to a restricted access area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Both the interior and exterior of each entrance to the facility	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Each point of sale area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Each video surveillance recording:	Yes	No
Is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clearly and accurately displays the time and date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is archived in a format that does not permit alteration of the recorded image, so that the images can readily be authenticated	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

See page 19

Describe the locked and secure area where video surveillance recording equipment and records will be housed and stored and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the board:

Our entry/exit access point will be secured with remote controlled access from Alaska Loven It LLC management with proper clearance. System is provided by Cardoso Integrated Security (CIS) and is compliant with federal standards.

Location of Surveillance Equipment and Video Surveillance Records:

Yes No

Surveillance room or area is clearly defined on the premises diagram

Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area

Surveillance recording equipment access is limited to a marijuana establishment licensee or authorized employee, and to law enforcement personnel including an agent of the board

Video surveillance records are stored off-site





Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

(Additional Space as Needed):

A video surveillance and camera recording system will be installed by Cardoso Integrated Security in and around the facility. The licensed premises will be all restricted access area. Cameras will be placed at the entrance to the facility so as to produce a clear and adequate view of any individual within 20 feet of the entrance to the licensed premises. Both the interior and the exterior of the entrance into the facility will be under surveillance by video cameras. Anywhere marijuana is grown, cured, or where marijuana waste is destroyed will have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height that will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, in order to allow for the clear and certain identification of any person and activity in the area at all times.

We have 8 cameras on the exterior to cover all sides, 3 of which are on the south side of the building to cover the entrance. As you enter into the facility, you are in a controlled room with cameras on both sides to cover the entire room. Our flowering rooms will be covered by 3 cameras on the ceiling with 360 degree angle capability. The west wall, with 3 fire exit doors, will be covered with cameras. On the east side of the building we have the nursery with 5 cameras. One on the south wall will cover the washing station. Two in the middle will cover the raised beds and nursery on the east wall. One 360 degree angle camera on the ceiling, then another on the northeast emergency exit door, will cover the grow area on the northeast interior.





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Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Business Records (3 AAC 306.755):

All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records. Applicants should be able to answer "Yes" to all items below.

Business Records Maintained and Kept on the Licensed Premises:	Yes	No
All books and records necessary to fully account for each business transaction conducted under its license for the current year and three preceding calendar years; records for the last six months are maintained on the marijuana establishment's licensed premises; older records may be archived on or off-premises	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Records related to advertising and marketing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A current diagram of the licensed premises including each restricted access area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A log recording the name, and date and time of entry of each visitor permitted into a restricted access area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All records normally retained for tax purposes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transportation records for marijuana and marijuana product as required under 3 AAC 306.750(f)	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

Daily back up of all data intake from surveillance and software will ensure record maintenance. A fire/water proof safe will be provided to preserve all backed up data records from being destroyed. All surveillance and software systems will be password sensitive and only Alaska Loven It LLC employees with proper level of clearance will have access to these records.



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

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Section 3 – Inventory Tracking of All Marijuana and Marijuana Product

Review the requirements under 3 AAC 306.730, and identify how the proposed establishment will meet the listed requirements.

All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with the system the board implements to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

Applicants should be able to answer “Yes” to all items below.

Marijuana Tracking and Weighing:

Yes No

A marijuana inventory tracking system, capable of sharing information with the system the board implements to ensure tracking for the reasons listed above, will be used

All marijuana delivered to a marijuana establishment will be weighed on a scale certified in compliance with 3 AAC 306.745

Describe the marijuana tracking system that you plan to use and how you will ensure that it is capable of sharing information with the system the board implements:

Alaska Loven It, LLC will use METRC to track product from marijuana seed / clone plant starts to selling of product. We do have future plans of incorporating another software system with METRC.



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 4 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700, and identify how the proposed establishment will meet the listed requirements.

A marijuana establishment and each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

Applicants should be able to answer "Yes" to all items below.

Marijuana Handler Permit:	Yes	No
Each licensee, employee, or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the premises of a retail marijuana store, marijuana cultivation facility, or marijuana product manufacturing facility) when on the licensed premises	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Describe how your establishment will meet the requirements for employee qualifications and training:

All employees will be required to have completed a background check and obtain a Marijuana Handler's Permit prior to employment. Employees will be required to keep up on current product information (i.e. types of strains, updated equipment or methodology of cultivation). All employees will attend mandatory safety training to include OSHA regulations, workplace safety, state rules and regulations as it pertains to the marijuana industry. Refresher training will be done quarterly or as required when regulations change.



Alaska Marijuana Control Board
Form MJ-01: Marijuana Establishment Operating Plan

Section 5 – Waste Disposal

Review the requirements under 3 AAC 306.740, and identify how the proposed establishment will meet the listed requirements.

Applicants should be able to answer "Yes" to the statement below.

Marijuana Waste Disposal:

Yes No

The marijuana establishment shall give the board at least 3 days notice in the marijuana inventory tracking system required under 3 AAC 306.730 before making the waste unusable and disposing of it

Describe how you will store, manage, and dispose of any solid or liquid waste, including wastewater generated during marijuana cultivation, production, process, testing, or retail sales, in compliance with applicable federal, state, and local laws and regulations:

All product deemed waste will be labeled and sequestered in a manner that it is segregated from the rest of our inventory. (In premises diagram room #2). Three days prior to rendering waste unusable, management will notify AMCO Board, upload data into METRC and wait the three days prior to disposal. During the cultivation process, all water run off that is deemed waste will be redirected to a holding tank that is taken by Moore and Moore Service for proper disposal.

Describe what material or materials you will mix with the ground marijuana waste to make it unusable:

Rockwool, food waste, yard waste, paper waste.





Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Marijuana waste must be rendered unusable for any purpose for which it was grown or produced before it leaves the marijuana establishment. Describe the process or processes that you will use to make the marijuana plant waste unusable:

Alaska Loven It, LLC will give the board notice in the marijuana inventory tracking system three days before making the waste unusable and disposing of it. The marijuana plant waste will be ground and mixed with at least equal parts food, paper or yard waste and taken by Moore and Moore Services, Inc. for disposal. A record of the final destination will be kept of the marijuana waste made unusable.





Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 6 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750, and identify how the proposed establishment will meet the listed requirements.

Applicants should be able to answer "Yes" to all items below.

Marijuana Transportation:	Yes	No
The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>
During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment:

Once testing of our product has passed, Alaska Loven It, LLC will be wholesale packaging our product, not exceeding 5 pounds of one single strain for repackaging by the retail marijuana store and/or to a marijuana product manufacturing facility. Alaska Loven It, LLC packaging will be compliant with 3 AAC 306.345. All product packaging labels will be in compliance with 3 AAC 306.570. Tracking numbers will be generated for tracking our inventory. Our name and license number, harvest batch number, strain information and the net weight of the product. Each batch sold we will disclose in writing the soil amendments listing fertilizers, pesticides, fungicides and herbicides used in the cultivation and preparation of our product; the name and license number of the testing facility that completed the required testing and the results listing the contaminants for which the product was tested including molds, mildew, filth, herbicides, pesticides, fungicides and harmful chemicals. This will be included in the transport manifest that must remain with the marijuana at all times while being transported. A copy will be given to the licensed marijuana establishment that receives the shipment.

Describe the type of locked, safe, and secure storage compartments that will be used in any vehicles transporting marijuana or marijuana product:

All marijuana product will be stored with manifest in a locked safe and tracked by GPS surveillance. Alaska Loven It, LLC management will be able to access video surveillance remotely from cell service at all times. The transportation vehicle will be equipped with GPS surveillance and a panic button. Our third party security, CIS, will aid in alerting and communication with proper authorities.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 7 – Signage and Advertising

Describe any signs that you intend to post on your establishment with your business name, including quantity and dimensions:

Alaska Loven It, LLC will not post any signs on the exterior of the location for advertising.

If you are not applying for a retail marijuana store license, you do not need to complete the rest of Section 7, including Page 17.

Restriction on advertising of marijuana and marijuana products (3 AAC 306.360):

All licensed retail marijuana stores must meet minimum standards for signage and advertising.

Applicants should be able to answer "Agree" to all items below.

No advertisement for marijuana or marijuana product will contain any statement or illustration that:	Agree	Disagree
Is false or misleading	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Promotes excessive consumption	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Represents that the use of marijuana has curative or therapeutic effects	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Depicts a person under the age of 21 consuming marijuana	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Includes an object or character, including a toy, a cartoon character, or any other depiction designed to appeal to a child or other person under the age of 21, that promotes consumption of marijuana	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

No advertisement for marijuana or marijuana product will be placed:

Agree Disagree

Within one thousand feet of the perimeter of any child-centered facility, including a school, childcare facility, or other facility providing services to children, a playground or recreation center, a public park, a library, or a game arcade that is open to persons under the age of 21

On or in a public transit vehicle or public transit shelter

On or in a publicly owned or operated property

Within 1000 feet of a substance abuse or treatment facility

On a campus for post-secondary education

Signage and Promotional Materials:

Agree Disagree

I understand and agree to follow the limitations for signs under 3 AAC 306.360(a)

The retail marijuana store will not use giveaway coupons as promotional materials, or conduct promotional activities such as games or competitions to encourage sale of marijuana or marijuana products

All advertising for marijuana or any marijuana product will contain the warnings required under 3 AAC 306.360(e)



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Alaska Marijuana Control Board

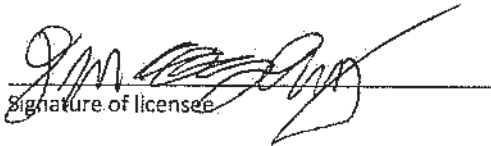
Form MJ-01: Marijuana Establishment Operating Plan

Section 8 – Control Plan for Persons Under the Age of 21

Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

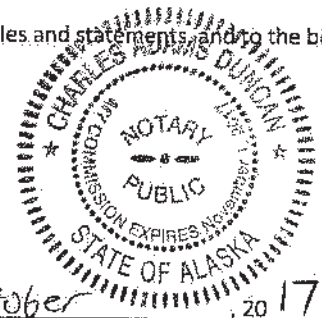
Alaska Loven It, LLC facility is closed off to the public by a gate with clear signs that state "NO TRESPASSING", "THIS PROPERTY IS PROTECTED BY VIDEO SURVEILLANCE", "TRESPASSERS WILL BE PROSECUTED". Our cultivation facility has one access point that is protected by Cardoso Integrated Security and heavily surveillanced. All areas with our marijuana product and marijuana deemed waste will be video surveillanced and designated with signs that state "STOP", "RESTRICTED ACCESS AREA", "AUTHORIZED PERSONNEL ONLY". Any and all visitors must be processed by management prior to access onto the premises.

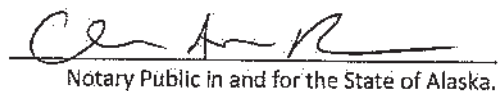
I declare under penalty of perjury that I have examined this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find it to be true, correct, and complete.


 Signature of licensee

Printed name

Subscribed and sworn to before me this 19th day of October, 2017.




 Notary Public in and for the State of Alaska.

My commission expires: 11-01-2017

Alaska Loven It LLC
 License Number: 12833
 2908 Kachemak Dr. Homer AK 99603

Strain: _____

Tracking Number: _____

Net Weight: _____

Harvest Batch: _____

Indica ____

Sativa ____

"Marijuana has intoxicating effects and may be habit forming and addictive"

"Marijuana impairs concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence"

"There are health risks associated with consumption of marijuana"

"For use only by adults twenty-one and older. Keep out of the reach of children."

"Marijuana should not be used by women who are pregnant or breast feeding."

Testing Facility Informaiton

Lab Name and Location	
THC	%
THCA	%
CBDA	%
CBN	%
Shiga- toxin producing Escherichia coli (STEC) - bacteria	(CFU/g)

Received by AMCO 11.02.17



Alaska Marijuana Control Board Operating Plan Supplemental Form MJ-04: Marijuana Cultivation Facility

What is this form?

This operating plan supplemental form is required for all applicants seeking a marijuana cultivation facility license and must accompany the **Marijuana Establishment Operating Plan (Form MJ-01)**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 4** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.420(2).

What additional information is required for cultivation facilities?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Cultivation plan
- Odor control
- Testing procedure and protocols
- Security

This form must be submitted to AMCO's main office before any marijuana cultivation facility license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Alaska Loven It, LLC				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	ALASKA	ZIP:	99603



Alaska Marijuana Control Board
**Operating Plan Supplemental
 Form MJ-04: Marijuana Cultivation Facility**

Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Section 2 – Prohibitions

Applicants should review 3 AAC 306.405 – 3 AAC 306.410 and be able to answer “Agree” to all items below.

The marijuana cultivation facility will not:

Agree Disagree

Sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation

Allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on its licenses premises or within 20 feet of the exterior of any building or outdoor cultivation facility

Treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana

Section 3 – Cultivation Plan

Review the requirements under 3 AAC 306.420, and identify how the proposed premises will meet the listed requirements.

Describe the size of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:

Overall dimensions 100' X 50'. Overall area is 5000 sq foot. Out of the 5000 sq food, we have a 13.5' X 100' nursery and veg room (380 sq foot). Within that room, there will be multiple trays for mother plants and 25 - 30 grow trays for veg plants. The product storage locker will be in this room. We will have a curing booth for curing our marijuana products and well as a sink and washing station for all of our pots. We will have an air intake vent on the south side of the building. We will have a 12éin line exhaust fan with a 150 pound coal carbon filter attached to the 12éin line fan. The flower room is 3356 sq feet. In the flower room, we will have an HVac system for cooling the air. We will also have a 12éair intake with a 12éexhaust fan with a 150 pound coal carbon filter. We will have 5 water reservoirs with independent ebb and flow hydroponic systems roughly 2 feet apart throughout the room. We have a 164 sq foot work area for working on marijuana and marijuana waste disposal. We have a 9 sq foot surveillance security room. We will have an 80 sq foot entry way where employees will change out of street clothes and into work clothes.



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-04: Marijuana Cultivation Facility

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

marijuana.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Describe the marijuana cultivation facility's growing medium(s) to be used:

Rockwool, Clay pellets, Per Lite

Describe the marijuana cultivation facility's fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management, to be used:

General Hydroponics; Botoicar CO₂; Natural gas, P-H down, CO₂ Monitoring System - Autopilot Green House Master Controller, Neem Oil

Describe the marijuana cultivation facility's irrigation and waste water systems to be used:

Irrigation - Ebb N Flow
Waste water system - Holding tank



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-04: Marijuana Cultivation Facility

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Describe the marijuana cultivation facility's waste disposal arrangements:

Moore & Moore Services, Inc. will provide a 2 yard locking dumpster with weekly pick up service. We will render waste unusable and keep it secure until Moore & Moore Services comes and takes it away for disposal.

Section 4 – Odor Control

Review the requirements under 3 AAC 306.430, and identify how the proposed premises will meet the listed requirement.

Describe the odor control method(s) to be used and how the marijuana cultivation facility will ensure that any marijuana at the facility does not emit an odor that is detectable by the public from outside the facility:

All ventilated air goes through our coal carbon filtration system that cleans the air prior to release to the environment. A 12 inch in line fan with 150 pound coal carbon filter on the end will be used to control odor. The fan will be run at a low speed to insure that the air gets cleaned. Slowing the fan speed down will reduce the odor.



Alaska Marijuana Control Board
**Operating Plan Supplemental
 Form MJ-04: Marijuana Cultivation Facility**

Section 5 – Testing Procedure and Protocols

Review the requirements under 3 AAC 306.455 and 3 AAC 306.465, and identify how the proposed premises will meet the listed requirements.

Applicants should be able to answer "Agree" to the item below.

I understand and agree that:

Agree Disagree

The board will or the director shall from time to time require the marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks

Describe the testing procedure and protocols the marijuana cultivation facility will follow:

In compliance with 3 AAC 306.455, we will designate an employee to collect random homogeneous samples for testing. The employee will segregate harvested marijuana into batches of individual strains of bud and flower, then select a random sample from each batch. The employee will sign a statement showing each sample was randomly selected for testing. Statement to record the type, amount and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model and license plate of the transporting vehicle. Statement will be sent to testing facility and sent with the test sample. We retain copies of all records of testing results and segregate strain batch until testing is final.

In compliance with 3AAC 306.465, Alaska Loven It, LLC will fully comply with any requests from the Marijuana Control Board for random sampling of growing medium, soil amendments, fertilizers, crop production aids, pesticides or water. Alaska Loven It, LLC shall bear the expense for all such requests.



Alaska Marijuana Control Board Operating Plan Supplemental Form MJ-04: Marijuana Cultivation Facility

Section 6 – Security

Review the requirements under 3 AAC 306.430 and 3 AAC 306.470 – 3 AAC 306.475, and identify how the proposed premises will meet the listed requirements.

Applicants should be able to answer "Agree" to the two items below.

The marijuana cultivation facility applicant has:

Agree Disagree

Read and understands and agrees to the packaging of marijuana requirements under 3 AAC 306.470

Read and understands and agrees to the labeling of marijuana requirements under 3 AAC 306.475

Restricted Access Area (3 AAC 306.430):

Yes No

Will the marijuana cultivation facility include outdoor production?

If "Yes", describe the outdoor structure(s) or the expanse of open or clear ground fully enclosed by a physical barrier:



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-04: Marijuana Cultivation Facility

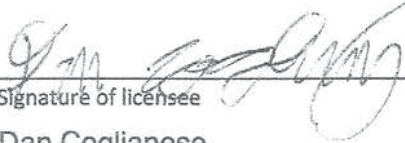
Alcohol and Marijuana Control Office
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<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Describe the method(s) used to ensure that any marijuana at the marijuana cultivation facility cannot be observed by the public from outside the facility:

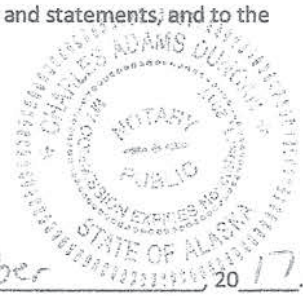
The building does not have windows.


I certify that as a marijuana cultivation facility, I will submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.

I declare under penalty of perjury that I have examined this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find it to be true, correct, and complete.


 Signature of licensee
 Dan Coglianese
 Printed name

Subscribed and sworn to before me this 19th day of October, 2017.




 Notary Public in and for the State of Alaska.
 My commission expires: 11-01-2017



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-04: Marijuana Cultivation Facility

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

(Additional Space as Needed):



Alaska Marijuana Control Board



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 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
 marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Cover Sheet for Marijuana Establishment Applications

What is this form?

This cover sheet **must** be completed and submitted any time a document, payment, or other marijuana establishment application item is emailed, mailed, or hand-delivered to AMCO's main office.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	ALASKA LOVEN IT, LLC		
Physical Address:	2908 Kachemak Drive		
City:	Homer	State:	AK
		Zip Code:	99603
Designated Licensee:	Dan Coglianese		
Email Address:	alaskacitysupply@gmail.com		

Section 2 – Attached Items

List all documents, payments, and other items that are being submitted along with this page.

Attached Items:	<p>MJ-02 Premises Diagram Attachment A: Premises diagram detail color coded Attachment B: Premises diagram restricted access Attachment C: Aerial view diagram Publisher's Statement - dates 4/27/17, 5/4/17, 5/11/17 Publisher's Affidavit - 8/17/17 Newspaper publications dated 4/17/17, 5/4/17, 5/11/17 and 8/17/17</p>
------------------------	---

OFFICE USE ONLY				
Received Date:		Payment Submitted Y/N:		Transaction #:



Alaska Marijuana Control Board
Form MJ-02: Premises Diagram



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). Your diagram must show all entrances and boundaries of the premises, restricted access areas, and storage areas, and dimensions. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex. For those applying for a limited marijuana cultivation license, the proposed area(s) for cultivation must be clearly delineated.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	Alaska Loven It, LLC		
Premises Address:	2908 Kachemak Drive		
City:	Homer	State:	AK
		ZIP:	99603



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Alaska Marijuana Control Board

Form MJ-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances, walls, partitions, counters, windows, areas of ingress and egress, restricted access areas, and storage areas. Include dimensions in your drawing. Use additional copies of this form or attached additional documents as needed.

See Attached:

- A. Premises diagram - detail color coded
- B. Premises diagram - restricted access
- C. Aerial view diagram - color coded

C



PROPERTY BOUNDARIES



PROPOSED PREMISES



ALASKA STATE AVIATION DIVISION



KAR-A-VAN TRANSFER INC.



Homer airport land
one story office building
with yard storage



KACHEMAR MOOSE HABITAT

vacant, undeveloped



BOLLEMBACH, JAMIE ALAN, ANDRE

vacant, undeveloped

From: Ring, Katie
To: [Department Clerk](#)
Subject: Alaskan Loven It, LLC - 12833
Date: Wednesday, December 27, 2017 4:19:08 PM
Attachments: [image001.png](#)

Good Afternoon

The Kenai Peninsula Borough has reviewed this application for tax purposes and proximity to schools and has no objection to the issuance of this license in your jurisdiction.

If you have any questions, please let me know.

Thank you.

Katie Ring
Borough Clerk Secretary
KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669
(907) 714-2160 office



RESOLUTIONS

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager/
4 Public Works Director

5 **RESOLUTION 18-009**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AUTHORIZING THE
8 MODIFICATION OF AN ADEC MUNICIPAL MATCHING GRANT (MMG
9 #40909) FOR THE WATER STORAGE AND DISTRIBUTION
10 IMPROVEMENT PROJECT (PHASE I), AND AUTHORIZING THE CITY
11 MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.
12

13 WHEREAS, The City applied for and secured a Municipal Matching Grant (MMG #40909)
14 through the Alaska Department of Environmental Conservation (ADEC) for Phase 1 of the
15 Homer Water Storage and Distribution Improvements; and
16

17 WHEREAS, Ordinance 15-20 accepted the ADEC grant and appropriated the required
18 \$576,773 in local match from the Homer Accelerated Water and Sewer Project (HAWSP) fund;
19 and
20

21 WHEREAS, The actual cost of this work was less than the grant amount; and
22

23 WHEREAS, There is an opportunity to expand the scope of work to include other Homer
24 Water Storage and Distribution Project improvements; and
25

26 WHEREAS, Public Works has developed three options on how the remaining funds could
27 be utilized (see Memorandum 18-015); and
28

29 WHEREAS, The Council supports expanding the scope of the work under MMG #40909
30 as described in Option 2; and
31

32 NOW, THEREFORE, BE IT RESOLVED, that the Homer City Council approves modifying
33 the scope of Municipal Matching Grant #40909 to include work as described as Option 2,
34 construction of properly sized water main through the proposed Quiet Creek Subdivision and
35 the replacement/renovation of the existing A-Frame tank and PRV Station requiring a local
36 match of \$211,913 in HAWSP funds.
37

38 PASSED AND ADOPTED by the Homer City Council this 22 day of January, 2018.
39
40

41 CITY OF HOMER
42

43 _____
44 BRYAN ZAK, MAYOR

45
46
47
48
49
50
51

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

MEMORANDUM 18-015

TO: Mary K. Koester, City Manager
FROM: Carey Meyer, Public Works Director
DATE: January 17, 2018
SUBJECT: **ADEC Municipal Match Grant Opportunity
\$1.6M Remaining – Water System Project Options**

In 2013-14, the City completed the design of various water distribution/storage system improvements using an EPA SAAP grant in which 55% of the design cost was covered by the grant. In 2015, the City applied for and received an ADEC Municipal Matching grant to construct the first phase of an overall water distribution/storage improvement project (Ordinance 15-20). The first phase consisted of distribution system improvements (Kachemak Drive and Shellfish Avenue water main extensions) and was completed in 2017 under budget. There remains \$1,600,000 in the grant award. The scope of work associated with the ADEC grant can be modified to include portions of the second and third phases of the overall project, which consists mainly of storage and PRV station improvements.

The centerpiece of the overall water distribution/storage project was the construction of a new storage tank. Other new improvements that could be covered by the grant included piping needed to connect the tank to the distribution system and micro-hydro turbine installations. Existing infrastructure that would be replaced/renovated under the grant include the A-Frame tank, A-Frame PRV station, and Spit water main rehabilitation. Public Works has reviewed the projects that can be funded with the remaining grant funds and developed three options. Even though Council has approved the required match funding for the ADEC grant, given the change in scope and health of the HAWSP fund, it is prudent to seek additional guidance from Council. This will allow staff to send notice to the State of the intentions of the City and follow up with an Ordinance modifying the grant agreement and appropriation.

Option 1 constructs a new water storage tank and connects it to the water distribution system (through the Quiet Creek Subdivision). It provides storage redundancy, more dependable fire protection, prepares for micro hydro turbines. It utilizes all of the available grant monies, but requires \$1,204,565 in HAWSP funds.

Option 2 focuses on construction of properly sized piping through the proposed Quiet Creek Subdivision (that ultimately will connect the tank to the distribution system), and renovates the existing A-Frame tank and PRV Station. It focuses on taking care of existing infrastructure, assures that water main infrastructure through the Quiet Creek Subdivision is completed in the most cost effective manner, and minimizes HAWSP fund expenditures to \$211,913.

Option 3 provides funding only for the oversizing of pipe through the Quiet Creek Subdivision and upsizes the existing East End Road stub out and requires \$33,630 in HAWSP funding.

Option 1 – .75MG Water Storage Tank Construction/Piping to Distribution System (\$2,373,576)

(1,169,011 Grant, \$501,004 City Match, \$703,561 Additional City Contribution)

	<u>Design</u>	<u>Construction</u>
a) construct .75 MG water storage tank	\$ 12,000	\$1,720,140
b) installation of 1,700 LF of 12” water transmission main (<i>between the tank and the water system</i>)	\$ 28,611	\$ 408,725
c) installation of PRV Vault (<i>between the tank and the water system</i>)	\$ 7,000	\$ 85,000
d) oversizing 2300 LF (from 8” to 12”) of new main being installed (<i>between the tank and the water system</i>), and	\$ 3,500	\$ 58,100
e) abandoning a 6” undersized water main and installing 80 LF of 12” water main across East End Road (<i>between the tank and the water system</i>), and	<u>\$ 7,900</u>	<u>\$ 42,600</u>
	\$ 59,011	\$2,314,565

Option 2 – Piping to Distribution System/”A” Frame PRV Station Replacement (\$706,375)

(\$494,462 Grant, \$211,913 City Match, \$0 Additional City Contribution)

	<u>Design</u>	<u>Construction</u>
a) installation of 650 LF of 12” water transmission main (<i>between the tank and the water system</i>)	\$ 11,800	\$ 117,975
b) installation of PRV Vault (<i>between the tank and the water system</i>)	\$ 7,000	\$ 85,000
c) oversizing 2300 LF (from 8” to 12”) of new main being installed (<i>between the tank and the water system</i>), and	\$ 0	\$ 61,000
d) abandoning a 6” undersized water main and installing 80 LF of 12” water main across East End Road (<i>between the tank and the water system</i>), and	\$ 7,900	\$ 42,600
e) replacement of “A” Frame PRV station.	<u>\$ 9,100</u>	<u>\$ 364,000</u>
	\$35,800	\$ 670,575

Option 3 – Oversizing Water Main/Stub-Out Upgrade – Quiet Creek Subdivision (\$112,100)

(\$78,470 Grant, \$33,630 City Match, \$0 Additional City Contribution)

a) oversizing 2300 LF (from 8” to 12”) of new main being installed (<i>between the tank and the water system</i>), and	\$ 3,500	\$ 58,100
b) abandoning a 6” undersized water main and installing 80 LF of 12” water main across East End Road (<i>between the tank and the water system</i>), and	<u>\$ 7,900</u>	<u>\$ 42,600</u>
	\$ 11,400	\$ 100,700

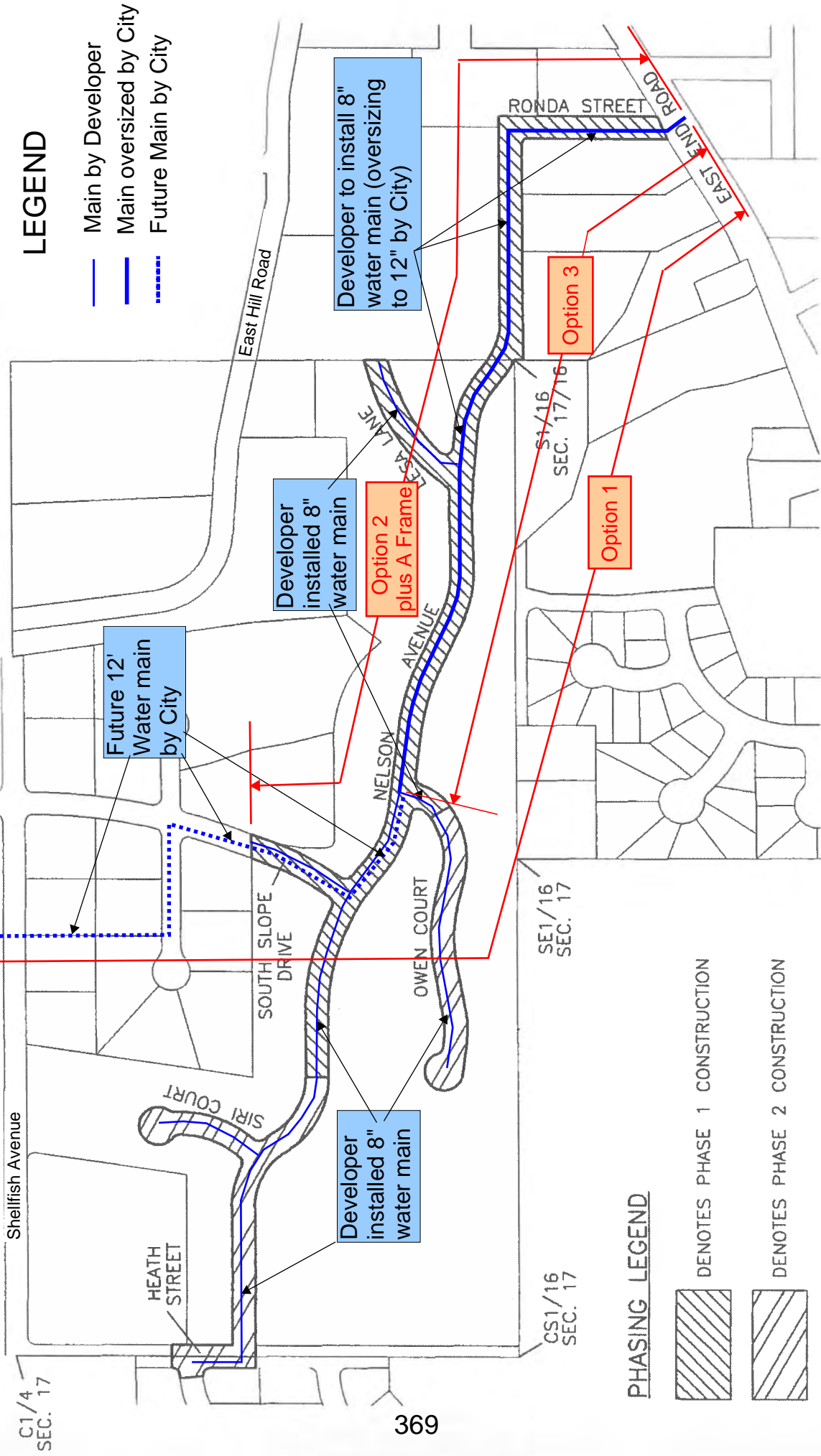
Recommendations:

The Homer City Council pass a resolution approving modifying the scope of work of Municipal Matching Grant #40909 to include work as described as Option 2 (construction of properly sized water main through the proposed Quiet Creek Subdivision and the replacement/renovation of the existing A-Frame tank and PRV Station).

QUIET CREEK SUBDIVISION - HOMER, ALASKA

OVERSIZING



Future tank
by City



LEGEND

- Main by Developer
- Main oversized by City
- - - Future Main by City

PHASING LEGEND

-  DENOTES PHASE 1 CONSTRUCTION
-  DENOTES PHASE 2 CONSTRUCTION

C1/4
SEC. 17

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Public Works Director

RESOLUTION 18-010

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE HARBOR CATHODIC
PROTECTION PROJECT TO A FIRM TO BE ANNOUNCED IN AN
AMOUNT TO BE DISCLOSED, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer News on December 7 and 14, 2017, sent to two in-state and one
Washington state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due January 18, 2018 and _____ bids were received; and

WHEREAS, _____ of _____, _____, was found to be the
lowest responsive bidder; and

WHEREAS, This award is not final until written notification is received by the firm from
the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
contract for Harbor Cathodic Protection Project to the firm of _____ of
_____, _____, in the amount of \$_____, and authorizes the City Manager to
execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 22 day of January, 2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Pending

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

