

City Council

Monday, February 12, 2018

Special Meeting 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



February 2018



- Monday 12nd: CITY COUNCIL**
Special Meeting 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 13th: ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Thursday 15th: PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION**
Worksession 5:30 p.m. Special Meeting 6:00 p.m.
- Monday 19th: CITY OFFICES CLOSED** In observance of President’s Day
- Wednesday 21st: ADVISORY PLANNING COMMISSION COMMISSION**
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Thursday 22nd: CANNABIS ADVISORY COMMISSION**
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Monday 26th: CITY COUNCIL**
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

City Council 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



SPECIAL MEETING
4:00 P.M. MONDAY
FEBRUARY 12, 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

SPECIAL MEETING AGENDA

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

Mayor Zak and Councilmember Lord request excusal

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

3. Memorandum 18-016 from City Clerk, Request for Executive Session Pursuant to AS 44.42.310(A-C)(1), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Public Entity (Lease Compliance and Enforcement Regarding Parcel Numbers 18103444 and 18103452). Page 7

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, February 26, 2018 at 6:00 p.m., Worksession 4:00 p.m., Committee of the Whole at 5:00 p.m., All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



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 18-016

TO: MAYOR PRO TEM ADERHOLD AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: FEBRUARY 1, 2018

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310(A-C)(1) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE PUBLIC ENTITY

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

City Manager Koester requested an Executive Session regarding "Lease Compliance and Enforcement Regarding Parcel Numbers 18103444 and 18103452" for the Special Meeting of February 12, 2018. This has been publicly and internally noticed since that time.

Attorney Wells will be present and staff will participate.

RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Conference Room.



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.

Mayor Zak and Councilmember Lord request telephonic participation

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

3. Resolution 18-018, A Resolution of the City Council of Homer, Alaska, Establishing a Water and Sewer Rate Task Force with a Primary Focus on Commercial Rate Equity. Erickson. Page 373

Resolution 18-018(S), A Resolution of the City Council of Homer, Alaska, Directing the Economic Development Advisory Commission to Annually Review Water and Sewer Rates for High Volume Users. Erickson. Page 375

4. Ordinance 18-07, An Ordinance of the City Council of Homer, Alaska, Repealing Ordinance 17-05(A-3) Amending the 2017 Operating Budget by Appropriating \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriated Documents. Aderhold. Recommended dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018. Page 177

5. Resolution 18-020, A Resolution of the City Council of Homer, Alaska Confirming Next Steps for the Greatland Street Project. City Manager/Public Works Director.

Will be included in the Supplemental Packet

6. CONSENT AGENDA

7. REGULAR MEETING AGENDA

8. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, February 26, 2018 at 6:00 p.m., Worksession 4:00 p.m., Committee of the Whole at 5:00 p.m., All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
FEBRUARY 12, 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

REGULAR MEETING AGENDA

Special Meeting 4:00 p.m. Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Zak and Councilmember Lord request telephonic participation

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. Mayoral Proclamation – Congenital Heart Defect Week Page 21
- B. Mayoral Proclamation - Brother Asaiah Bates Day Page 23

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

- A. **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.
Reconsidered by Erickson. Page 29

Memorandum 18-005 from City Planner as backup Page 61

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 22, 2018. City Clerk. Recommend adoption. Page 131
- B. **Memorandum 18-017**, from City Clerk Re: Liquor License Renewals Captain Patties Fish House, The Alibi, AJ's Oldtown Steakhouse and Tavern, Café Cups, Save U More Liquor #6, Little Mermaid, Oaken Keg#1832. Recommend Approval. Page 147
- C. **Memorandum 18-018**, from Deputy City Clerk Re: 1% for Art Selection Committee for Projects – Ramp 2 Restroom and Fire Station. Recommend Approval. Page 165
- D. **Ordinance 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall. City Manager. Recommended Dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018. Page 169
- E. **Ordinance 18-07**, An Ordinance of the City Council of Homer, Alaska, Repealing Ordinance 17-05(A-3) Amending the 2017 Operating Budget by Appropriating \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriated Documents. Aderhold. Recommended dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018 Page 177
- F. **Resolution 18-011**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Purchase of a Camel 1200 Vactor Truck from Super Products, LLC, in the Amount of \$362,970 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption. Page 199

Memorandum 18-019 from Public Works Superintendent as backup Page 201

- G. **Resolution 18-012**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from the Bunnell Streets Arts Center of a Mural by Alaskan Artist Marjorie Scholl to be Placed on the Exterior West Wall of the Bishop’s Beach Pavilion and Incorporate into the City’s Artwork Collection. City Clerk/PARCAC. Recommend Adoption. Page 203
- Memorandum 18-020 from PARCAC as backup Page 205
- H. **Resolution 18-013**, A Resolution of City Council of Homer, Alaska, Expressing Results of the Police Station Extended Worksession and Providing Director for Next Steps. City Manager. Recommend Adoption. Page 217
- I. **Resolutions 18-014** A Resolution of the City Council of Homer, Alaska, Adopting the City of Homer All Hazards Mitigation Plan 2018 Update and Revision and Authorizing the City Manager to Forward the Document to the Kenai Peninsula Borough, the Federal Emergency Management Agency, the Alaska Division of Homeland Security, and other Organizations as Appropriate. City Manager. Recommend Adoption. Page 219
- J. **Resolution 18-015**, A Resolution of the City Council of Homer, Alaska, Recognizing 2018 as “The Year of the Bird”. Aderhold. Recommend Adoption. Page 289

7. VISITORS

- A. 2018 - The Year of the Bird - Kachemak Bay Birders (10 minutes)
- B. 8th Annual Kachemak Bay Science Conference – Beth Trowbridge (10 minutes)

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
 - A. Memorandum 18-021 from City Planner Re: Retail Marijuana in Marine Commercial Page 297
7. Alaska Gasline Development Authority Community Advisory Commission Report - Councilmember Stroozas

9. PUBLIC HEARING(S)

10. ORDINANCE(S)

11. CITY MANAGER’S REPORT

- A. City Manager’s Report Page 349
- B. Bid Report Page 357

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

If Reconsideration Passes:

- A. **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. Reconsidered by Erickson. Page 29

Memorandum 18-005 from City Planner as backup Page 61

15. NEW BUSINESS

16. RESOLUTIONS

A. **Resolution 18-016**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Harbormaster Building Emergency Generator 2018 to a firm to be announced in an amount to be disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 369

B. **Resolution 18-017**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for Operation and Maintenance of the Port and Harbor Fish Grinding Facility to the firm to be announced in an amount to be disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Page 371

C. **Resolution 18-018**, A Resolution of the City Council of Homer, Alaska, Establishing a Water and Sewer Rate Task Force with a Primary Focus on Commercial Rate Equity. Erickson. Page 373

Resolution 18-018(S), A Resolution of the City Council of Homer, Alaska, Directing the Economic Development Advisory Commission to Annually Review Water and Sewer Rates for High Volume Users. Erickson. Page 375

D. **Resolution 18-019**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2 of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership and Making Other Necessary Changes to Lease Policies. Erickson/Smith. Page 391

E. **Resolution 18-020**, A Resolution of the City Council of Homer, Alaska Confirming Next Steps for the Greatland Street Project. City Manager/Public Works Director.

Will be included in the Supplemental Packet

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 26, 2018 at 6:00 p.m., Worksession 4:00 p.m., Committee of the Whole at 5:00 p.m., All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MAYORAL PROCLAMATIONS
AND RECOGNITIONS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION
Congenital Heart Defect Awareness Week

February 7-14, 2018

WHEREAS, Congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, Over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, Every year, 40,000 babies are born in the United States with congenital heart defects; and

WHEREAS, Some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, Undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone.

NOW, THEREFORE, I, Donna Aderhold, Mayor Pro Tem of the City of Homer, do hereby proclaim February 7 - 14, 2018 as:

Congenital Heart Defect Awareness Week

And encourage families to share experiences and information with the public and the media in order to raise public awareness about Congenital Heart Defects.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 12th day of February, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

BROTHER ASAIAH BATES DAY

February 14, 2018

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

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

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

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

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

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

NOW, THEREFORE, I, Donna Aderhold, Mayor Pro Tem do hereby proclaim the day of February 14, 2018 as:

BROTHER ASAIAH BATES DAY

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 12th day of February, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

**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.

198
199 “Business, wholesale” or “wholesale” means a place of business principally engaged in
200 selling or distributing goods, substances or commodities in quantity to retailers or to
201 industrial, commercial or institutional users mainly for resale or business use.

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

205
206 “Cemetery” means land used or intended to be used for burial of the dead and
207 dedicated for cemetery purposes, including columbaria and mausoleums when
208 operated in conjunction with and within the boundary of such cemetery.

209
210 “Channel protection storage volume” or “Cpv” means the volume used to design
211 structural management practices to control stream channel erosion.

212 Church. See “religious, cultural, and fraternal assembly.”

213
214 “City Engineer” means an engineer within the Homer Department of Public Works
215 designated by the Director of Public Works.

216
217 “Clearing” means the removal of trees and brush from the land, but shall not include
218 the ordinary pruning of trees or shrubs or mowing of grass.

219
220 “Clinic” means a professional office with facilities for providing outpatient medical,
221 dental or psychiatric services, which may include as incidental to the principal use a
222 dispensary to handle medication and other merchandise prescribed by occupants in
223 the course of their professional practices.

224
225 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of
226 oil-attracting plates. Oil droplets collect and float to the surface, where they can be
227 skimmed off or removed mechanically and separators may be installed above or below
228 ground.

229
230 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line
231 of Kachemak Bay.

232
233 “Cold storage” means a building equipped with refrigeration or freezing facilities that
234 provides cold or frozen storage or freezing services.

235
236 “Collocation” means the placement or installation of wireless communications
237 equipment on an existing wireless communications support structure or in an existing
238 equipment compound.

239

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

www.cityofhomer-ak.gov

Planning

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(p) 907-235-3106

(f) 907-235-3118

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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Planning

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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



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

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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

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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 ABBOUD
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 _____
968 BRYAN ZAK, MAYOR

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

993
994 Date: _____



City of Homer

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Planning

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(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.

CONSENT AGENDA

Session 18-02 a Regular Meeting of the Homer City Council was called to order on January 22, 2018 at 6:00 p.m. by Mayor Bryan Zak 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

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
POLICE CHIEF ROBL
PUBLIC WORKS DIRECTOR MEYER
CITY PLANNER ABOUD

Council met for a worksession at 4:00 p.m. to discuss Greatland Street Improvements and as Committee of the Whole at 5:00 to discuss Resolution 18-099 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; and consent agenda and regular meeting agenda items.

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: **MAYORAL PROCLAMATIONS AND RECOGNITIONS** Chamber of Commerce Winter Carnival Parade Proclamation and School Choice Week Proclamation **CONSENT AGENDA Memorandum 18-012** from Deputy City Clerk Re: Liquor License Renewals for Homer Brewing Company, Cosmic Kitchen, Harbor Grill, Grace Ridge Brewing, and Kharacters. Non objection letters from Kenai Peninsula Borough. **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. Public Comments, photos, and area maps **CITY MANAGER'S REPORT** Supplement Memo to City Manager's report regarding Improvements at Mariner Park and the RFP for Fish Pump Services **NEW BUSINESS Memorandum 18-013** from City Clerk Re: New Marijuana Cultivation License for Alaska Loven It, LLC. Memorandum 18-017 from Deputy City Clerk Re: Local Government Participation in the Marijuana License Process. **RESOLUTIONS Resolution 18-009(S)**, 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. Memorandum 18-015(S) from Public Works Director as backup. **Resolution 18-010(S)**, 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. Memorandum 18-016 from Public Works Director as backup

Mayor Zak asked for a motion to approve the agenda as amended.

ADERHOLD/ERICKSON SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. City and State Recognition of Retiring Fire Chief Bob Painter

Mayor Zak read and presented the City's recognition and City Manager Koester read the States Recognition to retiring Fire Chief Painter.

Chief Painter thanked the Mayor, City Council and City Manager. He said it's been a pleasure serving the community of Homer. He's appreciated everyone's support and working with the volunteers and members of the Fire Department. It's been 26 years of enjoying what you get to do every day.

B. Mayoral Proclamation – Chamber of Commerce Winter Carnival Parade

Councilmember Stroozas read and presented the proclamation to Jan Knutson from the Homer Chamber of Commerce. Mrs. Knutson introduced sponsors Marcia Kuszmaul, President of the B&B Association and Marcia Reed, Clinic Director of Seldovia Community Clinic, and gave an overview of events happening over Winter Carnival Weekend.

C. Mayoral Proclamation School Choice Week

Councilmember Smith read the Proclamation for School Choice Week.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Scott Adams, city resident, noted a correction in the City Manager's report about the improvements at Mariner Park. The dates closed should be October 1st to March 31st.

Mike McCarthy, city resident and retired registered Geologist, commented in support of Resolution 18-008. He commented regarding work he's done since October 2014 and the urgency of the need to address the drainage in the area.

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 January 8, 2018. City Clerk. Recommend adoption.
- 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. Recommend approval.
- 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. Recommend approval.
- 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. Recommend adoption.

Memorandum 18-014 from Councilmember Aderhold as backup

- 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. Recommend adoption. Recommend adoption.

Mayor Zak asked for a motion for the approval of the recommendations of the consent agenda.

ERICKSON/ADERHOLD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

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

Karin Marks Economic Development Advisory Commission Chair and Charles Evans Economic Development Advisory Commissioner, presented the Business Retention and Expansion Survey Report. They reported on outreach and response, noting there were 112 survey respondents and 22 interviews were done. The primary goals of the survey were to develop and encourage communication with local businesses, obtain business owner perspectives and ideas on our business climate, identify business needs and concerns that may be addressed by the city, and develop strategies and actions that will continue to support small business retention. 95% of the participating businesses are locally owned and operated, 80% inside city limits, represent 14 different industries, 43% were with retail, tourism, food/accommodation and arts/entertainment, and 88% of the businesses originated in Homer. Satisfaction with doing business and living in Homer rated from good to excellent and survey responses indicate increasing business activity overall. Things that would make it easier to expand or maintain businesses in Homer include less or stable taxes, a good labor pool, and pro-business city policies. Workforce challenges include poor work attitude, inadequate labor skills, and labor supply shortage. Other feedback they received is to keep boat/marine businesses in Homer, improve or control government regulation, better road quality and transportation infrastructure, pedestrian accessibility and greenspace, kept-up appearance of the town, and increased environmental efforts.

The Commissions short term action items include

- ▶ Clarify City regulatory barriers in zoning, permitting, sign ordinance and lease policy
- ▶ Explore public-private partnership to create a master plan for a more vibrant, connected central commercial district
- ▶ Support efforts to develop large vessel haul-out
- ▶ Share information, educate and make connections

Long term action items,

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

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

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough President, recognized the Boy Scout Troop in the audience. She reported the Assembly passed the Ordinance about volunteers that can serve on a board. The Assembly is aware the Mat-Su Borough has challenged the Nikiski selection for the LNG plant site with the Federal Energy Regulatory Commission, it hasn't been ruled on yet, and she'll keep the city posted. Representative Seaton is sponsoring HB 287 making appropriations for public education and student transportation. The intent is to make early funding available for the school districts and regional education. The Assembly struggles every year because they can't to their formula until it's funded and the forward funding is what's needed.

B. Commissions/Board Reports:

1. Library Advisory Board

Kate Finn, Library Advisory Boardmember, reported on some library events and activities including computer programming and code writing, free walk in tech sessions, HAM radio club, and Lunch with a Councilmember. She also thanked people who participated in the Gifting Tree over the holidays, 45 books were gifted. She also thanked Spenards for donating a tree and the Homer Book Store for offering discounts.

2. Homer Advisory Planning Commission

Tom Bos, Planning Commissioner, reported the Commission has been discussing marijuana sales in Marine Commercial district on the spit, natural hazard planning as it relates to Baycrest Subdivisions and other possible areas in the city, the Comprehensive Plan update, the HERC building, and plat approvals.

3. Economic Development Advisory Commission

4. Parks Art Recreation and Culture Advisory Commission

Deb Lowney, Parks Art Recreation and Culture Advisory Commissioner, thanked Council for the HERC worksession and the Commission looks forward to the task assigned to them. She reported the Commission is now full as they welcomed Caitlin Walls to the group. They approved a recommendation for a donation of art for the Bishop's Beach Pavilion and hopes Council will approve it as well. They also developed a 1% for Arts Overview Program Selection Committee to review art for the Fire Hall and Ramp 2 Restroom. The Commission discussed

the Karen Hornaday Park Master Plan at their last meeting. Some of the accomplishments since 2009 include HOPP playground improvements, ball field upgrades, new pavilion, re-purposed storage shed, some drainage upgrades, and the new trail was built. The biggest issue going forward is addressing the road going into the park. If HART funds could be used to realign the road, then bring in new water and sewer it would solve some of the major issues, including adding a new restroom. Upgrades to the camp host site are needed because because we don't really have anything to offer a camp host, there is no water or sewer available at the site.

Discussion ensued regarding the campground as there have been drug related issue there in the past. Ms. Lowney recognized there have been issues there over the past few years, but the police have been patrolling the area more regularly which has been helpful. Clearing out some of the foliage to open up the area and having a camp host will be helpful. There are people who enjoy coming to Homer and camping there.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

Councilmember Aderhold reported the Commission meets Thursday.

Mayor Zak called for a recess at 7:15 p.m. and the meeting resumed at 7:20 p.m.

Mayor Zak noted for the record that Councilmember Aderhold was excused and left at 7:15 p.m.

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.

Memorandum 18-009 from Finance Director as backup

Mayor Zak opened the public hearing. There were no comments and the hearing was closed.

Mayor Zak asked for a motion for the adoption of Ordinance 18-01 by reading of title only for second and final reading.

ERICKSON/LORD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried

- 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.

Memorandum 18-003 from Special Projects Coordinator as backup

Mayor Zak opened the public hearing. There were no comments and the hearing was closed.

Mayor Zak asked for a motion for the adoption of Ordinance 18-02 by reading of title only for second and final reading.

STROOZAS/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Memorandum 18-004 from Port Director/Harbormaster as backup

Mayor Zak opened the public hearing. There were no comments and the hearing was closed.

Mayor Zak asked for a motion for the adoption of Ordinance 18-03 by reading of title only for second and final reading.

LORD/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Memorandum 18-005 from City Planner as backup

Mayor Zak opened the public hearing.

Ray Kranich, city resident, commented in opposition to Ordinance 18-04 expressing that it's not in the city's best interest as written. He doesn't agree that allowing employee occupied RV's in Marine and Commercial Zoning districts falls within the purpose of the districts. City Code allows RV's in RV Parks for 30 consecutive days then they have to move, and they can only be in the zoning district 120 days, but in this proposed language, there is no time limit. He believes there should be time limits, the same as other RV's. If this is allowed, the person in the RV will also have to have a vehicle parked there to get back and forth to town along with other accumulated personal effects, so there will be more than just an RV. It's not the best foot forward for the image of Homer.

There were no further comments and the hearing was closed.

Mayor Zak asked for a motion for the adoption of Ordinance 18-04 by reading of title only for second and final reading.

LORD/SMITH SO MOVED

City Planner Abboud was asked to come to the table to address questions.

Councilmember Erickson questioned a time limit, she didn't think it was the intent for it a year round place to live, but for seasonal workers to have a place. City Planner Abboud briefly reviewed the consideration of this ordinance by the Planning Commission and recommendation from the Port and Harbor Commission.

Councilmember Smith suggested, based on the comments, it would be fair to say that some businesses are open year round out there and it would be reasonable to have a motorhome for an owner or employee occupy the space as they would seasonally. City Planner Abboud

responded that he can't find examples of this happening anywhere else, it's pretty unique to Homer. He can't say it's reasonable anywhere for anyone to live in an RV all year round. Councilmember Stroozas thought it was intended to be seasonal as well and note Mr. Kranich brought up some good points particularly regarding the ancillary equipment that seems to be strewn around as if it's a permanent residence. He asked if there is a way to enforce it so that it isn't an issue. City Planner Abboud responded this can manifest itself in a lot of ways. If we're concerned about unkempt properties, it's an owner/lessee responsibility for the lot. It's the result of letting people stay indefinitely or for a long period of time.

Councilmember Stroozas suggested in this case, maybe they should adopt a certain degree of consistency and allow seasonal access for 120 days, then they have to go to another location. It would be consistent with current regulations. City Planner Abboud noted there are a lot of regulations for an RV park, and this one change wouldn't make it consistent with regulations.

Councilmember Venuti raised the issue of water and sewer, and dealing with waste. City Planner Abboud said they had to make a special condition in code to allow public work to allow them to do that because it's not a policy of the city to hook RV's up to water and sewer.

Councilmember Lord commented she's comfortable with the amount of work that's gone into drafting this language. Taking into account it's for an operating business within these commercial districts, the purpose is to be having functional businesses that are able to staff and run, this something the business has some need for. The limitation is that it's one employee occupied vehicle per lot and it's up to the business owner how they utilize the space. City Planner Abboud noted one thing that came up is that functionally many lots are limited and wouldn't be able to do this because there isn't room on the lot.

Councilmember Smith added that he sees this as a direct benefit to the business owners. There may be instance where they are unkempt, but that happens all over.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

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.

Memorandum 18-006 from City Manager as backup

Mayor Zak opened the public hearing.

Scott Adams, city resident, commented this comes up all the time and suggested they think about putting something out in the water to break the energy before it gets to the beach. He explained that off the coast of Florida they put cement blocking off the coast so it builds up the swell and breaks before the full energy gets to the property.

There were no further comments and the hearing was closed.

Mayor Zak asked for a motion for the adoption of Ordinance 18-05 by reading of title only for second and final reading.

LORD/ERICKSON SO MOVED

LORD/SMITH MOVED TO SUBSTITUTE ORDINANCE 18-05(S) FOR 18-05.

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was brief discussion confirming the effective date of January 1, 2017.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

Councilmember Lord said she appreciated the update on the vessel haul-out and the copy of the City of Homer Marine Repair Facility Policies and Best Management Practices included in the packet.

- B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

PENDING BUSINESS

NEW BUSINESS

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

Mayor Zak opened the floor to public comment on this item.

Dan Coglianese, applicant, stated he's in violation and he's trying to find out what kind of trouble he's in. He asked if they have any news for him, where he takes it from here, if the City's done with him, or can he continue on as far as they are concerned.

There were no further public comments.

Mayor Zak noted that Council received a copy of the Memorandum from Erika McConnell, Director to the Marijuana Control Board as a laydown item prior to the meeting and read the information into the record as follows:

This applicant was discovered to have 24 marijuana plants in their facility several weeks before their application was scheduled before the board. See attached memo from Investigator Bankowski. This is a blatant violation of the statutes and regulations governing marijuana facilities and leads to significant concerns regarding this applicant's ability to operate in accordance with the law. I recommend denial of this application.

Mayor Zak asked for a motion to approve the recommendation in Memorandum 18-013.

SMITH/STROOZAS SO MOVED

SMITH/STROOZAS MOVED TO AMEND THE RECOMMENDATION AND STRIKE WHAT'S CURRENTLY THERE AND PUT WE VOICE AN OBJECTION TO THE APPROVAL OF THE NEW

MARIJUANA CULTIVATION LICENSE BASED ON THE MEMORANDUM PROVIDED BY DIRECTOR ERIKA MCCONNELL FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried.

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.

Memorandum 18-015 from Public Works Director as backup

Mayor Zak asked for a motion for the adoption of Resolution 18-009 by reading of title only.

ERICKSON/VENUTI SO MOVED

LORD/VENUTI MOVED TO SUBSTITUTE RESOLUTION 18-009(S) FOR 18-009.

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Mayor Zak asked for a motion to adopt Resolution 18-010 by reading of title.

ERICKSON/STROOZAS SO MOVED

LORD/VENUTI MOVED TO SUBSTITUTE RESOLUTION 18-010(S) FOR 18-010.

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was brief discussion regarding the difference in the bid amount and the engineers estimate. City Manager Koester commented that the City did their due diligence to ensure the bidder did not miss any of the key elements.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

There were no public comments.

COMMENTS OF THE CITY ATTORNEY

The City Attorney was not in attendance.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester commented that the upcoming City Council worksession will be held that the Harbormaster's Office Conference room, Monday, January 29th from 4:00 to 7:00 p.m. This

was the suggestion of the facilitator who wants to get them in a new spot and to a successful building project.

COMMENTS OF THE MAYOR

Mayor Zak thanked Mayor Pro Tem Aderhold for doing such a wonderful job running the meetings while he was gone. He congratulated Chief Painter on his 26 years and in reading the proclamations you could hear how much he has done for the city and how much it means to him.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas announced the Kachemak Bay Masonic Club and Elks Lodge will be hosting a spaghetti feed fundraiser to benefit Hospice of Homer on Saturday night from 5:30 until 8:00 p.m. Tickets are available for \$10 at Hospice and \$15 at the door, children under 8 are free, and there will be a lavish silent auction. He thanked the Boy Scout Troop 555 for being here tonight getting a primer on their Citizenship Merit Badge, he will work with them again at a Scout Meeting next month. He welcomed Mayor Zak back to God's country.

Councilmember Venuti commented the Women's March on Saturday was about about 750 people, it was peaceful and she loved seeing all the youth, young men and women holding signs for human rights. Councilmember Lord gave a great speech, along with four other women. It was a wonderful opportunity. She reminded listeners about the Marine Trade technical classes being held at the college and that KBC will be in the parade.

Councilmember Smith commented that this is God's green earth and where ever you go around it, it's God's creation. There are a lot of wonderful people and cultures out there, he's had the opportunity to see and enjoy many of them and he's glad the Mayor was able to as well. He will say he's partial to this land, but let's not forget everybody else.

Councilmember Lord commented that generally she is supportive of the marijuana industry and the growth of it as a new and interesting industry for a number of different reasons. She hopes people aren't discouraged, but it is a very highly regulated industry and being mindful of that as one proceeds is of utmost importance. She appreciates the leadership of the Marijuana Control Board as the ones who hold the reigns and for the information they provide. She commented about other upcoming events for the weekend including Saturday's Telluride films and HOWL fundraiser, Farmers Market Annual meeting and Seed Swap, Green Dot Bystander Training, and Sunday's Center for Alaskan Coastal Studies Winter Fun Days at Wynn Nature Center. She will miss all of it because she'll be in Anchorage teaching a floral design class and attending the Winter Alaska Peony Growers Association Annual Meeting.

Councilmember Erickson commented February into March it gets really busy on the weekends. Some things happening are the Tustumena 200 Dog Sled race, the Snomands Fun Run, and the Epic Fat Tire Bike Race. She encouraged people to get outside.

ADJOURN

There being no further business to come before the Council Mayor Zak adjourned the meeting at 8:15 p.m. The 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

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____



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 18-017

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: HAYLEY SMITH, DEPUTY CITY CLERK

DATE: FEBRUARY 6, 2018

SUBJECT: LIQUOR LICENSE RENEWALS FOR AJ'S OLDTOWN STEAKHOUSE AND TAVERN, CAFÉ CUPS, SAVE-U-MORE, LITTLE MERMAID, AND OAKEN KEG #1832, CAPTAIN PATTIES, AND THE ALIBI

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
1252	AJ's Oldtown Steakhouse and Tavern	Beverage Dispensary	APS Investments, LLC	120 W. Bunnel Ave.
3210	Café Cups	Restaurant/ Eating Place	Babaloo, LLC	162 W. Pioneer Ave
4221	Save U More Liquor #6	Package Store	Castle Liquor Inc.	3611 Greatland St.
5256	Little Mermaid	Restaurant/Eating Place- Public Convenience Seasonal	Mary K. and Evan J. Vogl	4246 Homer Spit Road #4 & #6
4162	Oaken Keg #1832	Package Store	Safeway, Inc.	90 Sterling Highway
2673	Captain Patties Fish House	Restaurant/Eating Place	Captain Patties Fish House Inc.	4241 Homer Spit Road #1
98	The Alibi	Beverage Dispensary	Mix Rocks, LLC	453 E. Pioneer Avenue

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 Robt, Police Chief
DATE: February 6, 2018
SUBJECT: Liquor License renewals for AJ's Oldtown Steakhouse & Tavern and Café Cups

There is no objection to these two renewals.

License #: 1252

Doing Business as: AJ's Oldtown Steakhouse and Tavern

License Type: Beverage Dispensary

Licensee: APS Investments, LLC.

Business Address: 120 W. Bunnell Ave.

License #: 3210

License Type: Restaurant/Eating Place

Licensee: Babloo.LLC.

Business Address: 162 W. Pioneer Ave.



City of Homer

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Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF
FROM: HAYLEY SMITH, DEPUTY CITY CLERK I
DATE: FEBRUARY 5, 2018
SUBJECT: LIQUOR LICENSE RENEWALS FOR AJ'S OLDTOWN STEAKHOUSE & TAVERN AND CAFÉ CUPS

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
1252	AJ's Oldtown Steakhouse & Tavern	Beverage Dispensary	APS Investments, LLC	120 W Bunnel Avenue
3210	Café Cups	Restaurant/Eating Place	Babaloo, LLC	162 W Pioneer Avenue

This matter is scheduled for the February 12, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, February 7, 2018.**

Thank you for your assistance.



February 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	License Number:	1252
Licensee:	APS Investments, LLC		
Doing Business As:	AJ's Oldtown Steakhouse & Tavern		

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



February 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:	Restaurant/Eating Place	License Number:	3210
Licensee:	Babaloo, LLC		
Doing Business As:	Café Cups		

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



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 23, 2018
SUBJECT: Liquor License Renewals

There is no objections to the Liquor License Renewals for the following businesses:

License #: 2673
Doing Business As: Captain Patties Fish House
License Type: Restaurant/Eating Place - Seasonal
Licensee: Captain Patties Fish House, Inc.
Business Address: 4241 Homer Spit Road #1

License #: 98
Doing Business As: The Alibi
License Type: Beverage Dispensary
Licensee: Mix Rocks, LLC
Business Address: 453 E. Pioneer Ave.



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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 23, 2018
SUBJECT: LIQUOR LICENSE RENEWALS FOR THE ALIBI AND CAPTAIN PATTIES FISH HOUSE

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
2673	Captain Patties Fish House	Restaurant/ Eating Place- Seasonal	Captain Patties Fish House, Inc.	4241 Homer Spit Road #1
98	The Alibi	Beverage Dispensary	Mix Rocks, LLC	453 E. Pioneer Avenue

This matter is scheduled for the February 12, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, February 7, 2018.**

Thank you for your assistance.



January 22, 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	License Number:	98
Licensee:	Mix Rocks, LLC		
Doing Business As:	The Alibi		

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 22, 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:	Restaurant/Eating Place	License Number:	2673
Licensee:	Captain Patties Fish House, Inc.		
Doing Business As:	Captain Patties Fish House		

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



City of Homer

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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 R. Smith, Deputy City Clerk
FROM: Mark Robt, Police Chief
DATE: 01/30/2018
SUBJECT: Liquor License Renewal

There is no object to the renewal of the Liquor License for the following business:

License #: 4162
Licensee: Safeway, Inc.
Doing Business: Oaken Keg, #1832
Address of Business: 90 Sterling Hwy. Homer AK 99603



City of Homer

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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 23, 2018

SUBJECT: LIQUOR LICENSE RENEWALS FOR THE OAKEN KEG #1832

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
4162	Oaken Keg #1832	Package Store	Safeway, Inc.	90 Sterling Highway

This matter is scheduled for the February 12, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, February 7, 2018.**

Thank you for your assistance.



January 30, 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:	Package Store	License Number:	4162
Licensee:	Safeway, Inc.		
Doing Business As:	Oaken Keg #1832		

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



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: February 5, 2018
SUBJECT: Liquor License renewals for Save U More Liquor #6 and Little Mermaid

There is no objection to these two renewals.

License #: 4221

Doing Business as: Save U More Liquor #6

License Type: Package Store

Licensee: Castle Liquor Inc.

Business Address: 3611 Greatland

License #: 5256

License Type: Restaurant/Eating Place, Public Convenience Seasonal

Licensee: Mary K. and Evan J. Vogl

Business Address: 4246 Homer Spit Road #4 and #6



City of Homer

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Office of the City Clerk

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Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF
FROM: HAYLEY SMITH, DEPUTY CITY CLERK I
DATE: FEBRUARY 2, 2018
SUBJECT: LIQUOR LICENSE RENEWALS FOR SAVE U MORE LIQUOR #6 AND LITTLE MERMAID

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
4221	Save U More Liquor #6	Package Store	Castle Liquor Inc.	3611 Greatland
5256	Little Mermaid	Restaurant/Eating Place- Public Convenience Seasonal	Mary K. and Evan J. Vogl	4246 Homer Spit Road #4 & 6

This matter is scheduled for the February 12, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, February 7, 2018.**

Thank you for your assistance.



February 2, 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:	Restaurant/Eating Place	License Number:	5256
Licensee:	Mary K. and Evan J. Vogl		
Doing Business As:	Little Mermaid		

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



February 2, 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:	Package Store	License Number:	4221
Licensee:	Castle Liquor Inc.		
Doing Business As:	Save-U-More Liquor #6		

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



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 18-018

TO: MAYOR ZAK AND CITY COUNCIL

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: JANUARY 30, 2018

SUBJECT: ART SELECTION COMMITTEE FOR PROJECTS – RAMP 2 RESTROOM & FIRE STATION

In accordance with the 1% for Art Program documented in Homer City Code 18.07.030 where plans and specifications for the original construction, remodeling or renovation of municipal buildings and facilities resulting in proposed capital expenditures exceeding the sum of \$250,000 shall contain and provide for the inclusion of works of art of a value of one percent of the total cost of the construction, remodeling or renovation project not to exceed \$70,000.

Homer City Code 18.07.050 states where works of art are to be incorporated in the construction, remodeling or renovation of a City building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury consisting of the architect or project designer, a representative of the user department, a representative of the Commission and such additional persons that the Commission may designate, subject to Council approval.

The Parks, Art, Recreation and Culture Advisory Commission at their special meeting on January 18, 2018 reviewed the requirements of the program and recommended the following to be appointed by City Council to make up one selection committee for the Fire Station Improvements Project and the Ramp 2 Restroom Project:

Two Commissioners – Deb Lowney and Jon Sharp
Architectural/Design – Carey Meyer, Public Works Director
Fire Department – Acting Fire Chief or designated representative
Port & Harbor – Harbormaster or designated representative
Public Works – Parks Maintenance Coordinator/Maintenance or designated representative

Following is the excerpt of the minutes regarding the recommendation.

Recommendation

Approve the membership endorsement for the Art Selection Committee on the Fire Station Improvements Project and the Ramp 2 Restroom Project.

NEW BUSINESS

C. 1% for the Arts Program Overview and Selection Committee Recommendations

Chair Steffy Introduced the item into the record and requested input from staff.

LOWNEY/SHARP - MOVED TO RECOMMEND THAT CITY COUNCIL APPOINT THE FOLLOWING 1% FOR ART SELECTION COMMITTEE FOR THE FIRE STATION IMPROVEMENTS PROJECT AND RAMP 2 RESTROOM PROJECT AS OUTLINED IN THE CITY OF HOMER 1% FOR ART PROGRAM AS FOLLOWS:

TWO COMMISSIONERS – LOWNEY AND SHARP
ARCHITECTURAL/DESIGN – CAREY MEYER
FIRE DEPARTMENT – ACTING FIRE CHIEF OR DESIGNATED REPRESENTATIVE
PORT & HARBOR – HARBORMASTER OR DESIGNATED REPRESENTATIVE
PARKS COORDINATOR/MAINTENANCE STAFF/PUBLIC WORKS STAFF

There was a brief discussion on the duties of the selection committee which are outlined in the commission bylaws under the 1% for Arts Program and the commission determined that the Harbormaster, Acting Fire Chief and Public Works representing the user group, should be allowed to select their representative for the committee.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-06

Ordinance 18-06, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall.

Sponsor: City Manager

1. Council Regular Meeting February 12, 2018 Introduction

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

City Manager

3
4 **ORDINANCE 18-06**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2018 OPERATING BUDGET TO FUND ANTICIPATED
8 REPAIRS TO THE SEAWALL BY ESTABLISHING AUTHORITY IN THE
9 2018 BUDGET FOR EMERGENCY REPAIRS TO THE SEAWALL.

10
11 WHEREAS, The Homer City Council adopted Emergency Ordinance 11-49(S) which created
12 the Ocean Drive Loop Special Service District; and

13
14 WHEREAS, The Special Service District was created to raise tax revenues from benefited
15 property owners to support maintenance and repair of the seawall they own which is located on
16 their properties; and

17
18 WHEREAS, As a tax-exempt property owner along the seawall, the City contributes \$10,000
19 annually to a Seawall Reserve Account for the City's portion of repairs to the seawall; and

20
21 WHEREAS, Repairs to the seawall have to be performed on an emergency basis in order to
22 prevent further damage and remain in compliance with the Army Corps of Engineers permit for
23 the seawall; and

24
25 WHEREAS, Due to the unpredictability and the immediate need to do the repairs, the work
26 is completed by East Road Services under the direction and supervision of the City Engineer, and

27
28 WHEREAS, Annual repairs to the seawall are impossible to predict, yet past history offers
29 a range from \$0 in 2013 to \$102,125 in 2017 with an average costs from 2012 to 2017 of \$28,946;
30 and

31
32 WHEREAS, In the event that the 2018 repairs exceed \$28,946 additional authority will be
33 requested; and

34
35 WHEREAS, Based on linear feet, the property owners are responsible for 82% of the wall
36 repairs and the City is responsible for 18% of the wall repairs.

37
38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

39
40 Section 1. The Homer City Council hereby amends the FY 2018 Operating Budget by
41 appropriating \$28,946 from the Seawall Maintenance Reserve and Ocean Drive Loop Special
42 Service District for the purpose of repairing and maintaining the seawall as follows:

43
44 Appropriation/Transfer From:
45

46	<u>Account</u>	<u>Description</u>	<u>Amount</u>
47			
48	808-0375	Ocean Drive Loop Special Service District (82%)	\$23,736.
49			
50	156-0369	Seawall Maintenance Reserve	\$ 5,210.
51			

52 Section 2. This ordinance is a budget amendment ordinance only, is not permanent in
53 nature and shall not be codified.

54
55 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2018.

56
57 CITY OF HOMER

58
59 _____
60 BRYAN ZAK, MAYOR

61 ATTEST:

62
63 _____
64 MELISSA JACOBSEN, MMC, CITY CLERK

65
66 YES:

67 NO:

68 ABSTAIN:

69 ABSENT:

70
71 First Reading:

72 Public Hearing:

73 Second Reading:

74 Effective Date:

75
76 Reviewed and approved as to form.

77
78 _____
79 Mary K. Koester, City Manager

Holly C. Wells, City Attorney

80
81 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

January 4, 2018

RE: Ocean Drive Loop Special Service District (ODLSS) Status Report-Update

Dear Property Owners,

I am writing to provide you with an annual update on the seawall maintenance and finances. As City Manager, I provide this update every January to keep homeowners aware of the status of repairs to the seawall. The report is also shared with Council.

2017 Maintenance Costs:

Several storms in 2017 caused significant damage. Due to immediate need to proactively maintain the wall, the City contracts with East Road Services. In 2017 the repair work totaled \$102,125.

Annual Seawall maintenance expenditures	2012	2013	2014	2015	2016	2017	Total
	(\$38,292)	\$0	\$0	(\$2,933)	(\$30,328)	(\$102,125)	(\$173,678)

Funding for the maintenance:

There are two accounts dedicated to fund seawall maintenance: 1) the Seawall Reserve Account which is general fund (City) money and 2) the Ocean Drive Loop Special Assessment (ODLSSD). Based on linear feet, the property owners are responsible for 82% of the wall and the City is responsible for 18%. Ordinance 18-05 is before City Council on Monday, January 8th authorizing the maintenance expenditures for 2017.

1. The seawall reserve account is general fund (City) money and includes a transfer of \$60,000 in 2012, plus \$10,000 annually (including 2012).

156-0369	2012	2013	2014	2015	2016	2017	Total Contribution
Seawall Reserve Account (City)	\$70,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$120,000

2. The ODLSS district is where the 9.962541 mill rate is deposited.

808-0375	2012	2013	2014	2015	2016	2017	Total Contribution
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 (\$10,000 from General Fund and an estimated \$25,000 from property owners) will help replenish the reserves, as long as the weather is kind to the wall in 2018.

Procedure for Maintenance: The City facilitates maintenance, though most of the seawall is on private land and the seawall is not a public improvement. The most effective oversight is for land owners to call when repairs are needed, 235-3170. These observations are invaluable. Due to the unpredictability and the immediate need to do repair; the City hires a local contractor to do the repairs.

No insurance: As mentioned before, because the seawall is not publicly owned, the City cannot insure it and there are no funds available for replacement or major maintenance. Purchasing insurance as a group, as in a Homeowner's Association, maybe available through commercial independent insurance brokers.

Homeowner's Association (HOA): There are many advantages to forming a legal, non-profit Homeowner's Association (HOA). An organized HOA can leverage grant funds for repairs and upgrades. A HOA provides a united voice when quick concurrence from a majority of the property owners is needed. In 2010 articles of incorporation and bylaw were drafted and I encourage you to resume that conversation.

Thank you for the opportunity to keep you abreast of seawall maintenance and repair activities. Feel free to contact my office with any questions.

Sincerely,



Katie Koester
City Manager
907-235-8121x6

Att:
2018 Ocean Drive Loop Seawall Maintenance Activities
Ord. 18-05

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 REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-07

Ordinance 18-07, An Ordinance of the City Council of Homer, Alaska, Repealing Ordinance 17-05(A-3) Amending the 2017 Operating Budget by Appropriating \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriated Documents.

Sponsor: Aderhold

1. Council Regular Meeting February 12, 2018 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 18-07

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, REPEALING ORDINANCE 17-05(A-3), AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING \$671,053 FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM (HART) FOR THE GREATLAND STREET IMPROVEMENT (OPTION A) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

WHEREAS, Ordinance 17-05(A-3) authorized extending Greatland Street north to Pioneer Avenue to improve vehicular and pedestrian access to the eastern portion of the Central Business District; and

WHEREAS, Extending Greatland Street north to Pioneer Avenue is not a recommendation of the 2005 Homer Transportation Plan; and

WHEREAS, The Homer Transportation Plan recommends that the northern portion of Greatland Street be vacated and a new connection be made to Pioneer Avenue by extending Bartlett Street south, curving it to the east and connecting to Greatland Street and Main Street. This would be part of a recommended new east/west corridor that would have City-wide benefits, most notably relief of traffic congestion on Pioneer Avenue and the Sterling Highway; and

WHEREAS, At a January 22 worksession the City Council was made aware of the impact extending Greatland would have on adjacent property owners; and

WHEREAS, At that same worksession the adjacent property owners submitted written public comment objecting to the project based on the impacts the project would have to privacy, parking, egress, and safety; and

WHEREAS, It is in the best interest of the City to pause the Greatland project until such time as the 2005 Homer Transportation Plan is updated to review how Greatland best fits into the long term traffic flow patterns and plans for the City of Homer; and

WHEREAS, It is requested that AKDOT&PF evaluate the Greatland Street and Sterling Highway intersection and consider changing center lane striping to improve left turn safety; and

WHEREAS, The \$45,000 that has been spent on survey work and soil sampling on the project has produced useful information that can be used for a future Greatland project.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

46 Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$45,000
47 from the Homer Accelerated Roads and Trails fund to fund site work that has been completed to
48 date on the project.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
620-0375 (HART)	Greatland Street Improvements	\$45,000

52
53 Section 2. Ordinance 17-05(A-3) amending the Operating Budget by appropriating
54 \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street
55 Improvements (Option A) Project and authorizing the City Manager to execute all appropriate
56 documents is hereby repealed.

57
58 Section 3. This is a budget amendment ordinance, is not permanent in nature, and shall
59 not be codified.

60
61 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
62 2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

63
64
65
66
67
68 ATTEST:

69
70 _____
71 MELISSA JACOBSEN, MMC, CITY CLERK

72
73 YES:

74 NO:

75 ABSTAIN:

76 ABSENT:

77
78 First Reading:

79 Public Hearing:

80 Second Reading:

81 Effective Date:

82 Reviewed and approved as to form:

83
84
85 _____
86 Mary K. Koester, City Manager

Holly Wells, City Attorney

87
88 Date: _____

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Erickson

ORDINANCE 17-05(A-3)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING \$671,053 FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM (HART) FOR THE GREATLAND STREET IMPROVEMENTS (OPTION A) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

WHEREAS, Extending Greatland Street north to Pioneer Avenue would improve vehicular and pedestrian access to the eastern portion of the Central Business District; and

WHEREAS, The Homer Transportation Plan recommends that the northern portion of Greatland Street be vacated and a new connection be made to Pioneer Avenue by extending Bartlett Street south, curving it to the east and connecting to Greatland Street and Main Street. This would be part of a recommended new east/west corridor that would have City-wide benefits, most notably relief of traffic congestion on Pioneer Avenue and the Sterling Highway; and

WHEREAS, Three options have been considered; Option A – Extend Greatland Street North to Pioneer Avenue; Option B – Extend Greatland Street North to a New East/West Extension of Bartlett Avenue (from Pioneer Avenue to Main Street); and Option C – Extend Greatland Street North to a New East/West Extension of Bartlett Avenue (but only from Pioneer Avenue to Greatland Street): and

WHEREAS, Option A is the least expensive, but does not conform to the recommendations of the Transportation Master Plan and Option B is the most expensive, requiring significant capital expenditure; Option C conforms to the recommendations of the Transportation Plan and provides Greatland Street with needed interconnection to Pioneer Avenue; and

WHEREAS, The City Council supports improvements to Greatland Street, preferring Option A based on cost; and

WHEREAS, The overall benefit to the City is such that the Homer City Council recommends full funding of Option A with HART dollars and foregoes the Special Assessment District Process.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

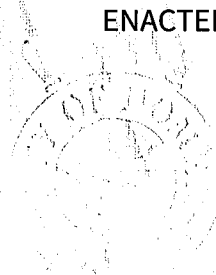
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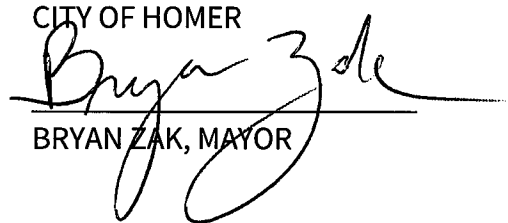
Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$671,053 from the Homer Accelerated Roads/Trails Fund (HART) for the design, platting, land acquisition, construction, inspection, project management, and administrative costs associated with completing the Greatland Street Improvements (Option A).

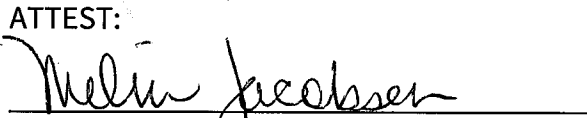
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
620-375 (HART)	Greatland Street Improvements	\$671,053
160-0775 wj	(Option A)	

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 26th day of June, 2017.




CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES: 4
NO: 3
ABSTAIN: 0
ABSENT: 0

First Reading: 1-23-17
Public Hearing: 3-28-17
Second Reading: 6-26-17
Effective Date: 6-27-17

Reviewed and approved to form:

Mary K. Koester, City Manager


Holly Wells, City Attorney

Date: 7.5.17

Date: 7.30.17



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 17-095

TO: Katie Koester - City Manager
FROM: Carey Meyer – Public Works Director
DATE: June 19, 2017
SUBJECT: **Greatland Street Improvement Recommendations
Answers to Council Questions**

As the City Council discussed the alternatives to extending Greatland Street, seeking a consensus regarding Ordinance 17-05, the Council requested answers to several questions:

What do property owners potentially affected by the project think about the idea of a SAD and the associated costs?

Whether it is the property owner most financially affected by the creation of a SAD (Valentin Caspaar - Save-U-More), or the other lot owners with frontage on the proposed project(s); none expressed interest in being assessed for their share of the cost of any road improvements (as would be the case under the HART SAD policy).

Will pedestrian access be maintained under all alternatives?

Option A (Extending Greatland Directly North) would provide sidewalks on each side of extended Greatland Street up to Pioneer Avenue (similar to what exists on the current Greatland Street improvement).

Option B and C (which vacates the northern portion of Greatland Street right-of-way) would include a sidewalk along the new road connection up to the Pioneer Avenue at Bartlett and a pedestrian access (paved or gravel trail) in an easement within the vacated Greatland Street right-of-way.

Can a traffic engineer look at the alternatives and provide recommendations?

Since all of the intersections that would be created under any of the options being considered are on State roads; I contacted the ADOT Regional Traffic Engineer – Scott Thomas to get his opinion regarding the alternatives. He had the following comments:

From email received 2/24/17:

“From a traffic perspective, each of these through connections raises the possibility of another traffic signal”. *(in other words – new Greatland connection at Pioneer or at Main would in the future create possibility of the need for a signal)*

“I would recommend a focus on Pioneer/Bartlett, and Pioneer/Main”. *(this traffic engineer sees advantages to Option B or C)*

“Greatland/Main and Greatland/Sterling are concerns that are likely resolved through directional turn lanes”. *(under option A, to forestall need for signals or the need to limit turning movements, left and right turn lanes could be necessary on all approaches)*

“Option A could force lots of doglegged turning movements and calls for conflict reduction. This could lead to raised median and restricted movements at each end of Greatland, but not more signals – too poor at keeping Pioneer or Sterling moving”. *(future increases in left turn onto and from Greatland will result in raised medians on Pioneer and Sterling Highway, which could eliminate these turning movements)*

“Greatland’s proximity to Main means it will likely be downgrades for turns by DOT/PF in the event of too much traffic or turns”. *(in the future under Option B, without a signal at Main/Greatland, left hand turns likely will be prohibited from and onto Main Street.)*

“Option B does a good job of focusing and maximizing potential future signals at or near ¼ mile, a goal for minimum signal spacing. Here we are getting down to 970 to 1000 feet on Pioneer – an option that could work but would be a last resort signal”. *(signals to close together create problems; Option B minimizes intersections and keeps the ones being created sufficiently separated)*

“Option B does a very good job of making use of future signals – at Main Street soon and at Bartlett in the long term”.

“Option B also does a good job of deprioritizing “bypass” of signals and congestion at other locations, and instead creates a more likely route to emphasize non-motorized traffic connectivity. More of a “complete street”.

“Would evaluate All Way Stop warrants for Option B and Main. Possibly easily installed with STOP signs. Basically, if all 3 legs are equal demand and gaps on Main become poor, then it is a candidate”. *(under Option B, current traffic would allow four-way stop at Pioneer and Greatland; three way stops at Main Street and Greatland)*

“Also – ADOT does not recommend vacation in general if you see the potential for drainage or utility use of the Greatland ROW. It does not have to be a road to be useful as a public ROW. Especially if you are constrained elsewhere by transportation and need a new place for utilities, drainage, walking other uses”. *(Under Option b or C, Greatland Avenue south of Pioneer would not be totally vacated, utility easements, pedestrian access and drainage corridor would remain)*

What about right hand turns only on each side of Greatland.

Justifications for right or left turn bays would have to be evaluated during design, but preliminary indications are that based on current traffic volumes, separate turning lanes will not be needed and all turning movements can be accommodated at a reasonable level of service.



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 17-041

TO: MAYOR ZAK AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBODD, CITY PLANNER
DATE: MARCH 7, 2017
SUBJECT: DRAFT ORDINANCE 17-05(A) AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING \$671,053 FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM (HART) FOR THE GREATLAND STREET IMPROVEMENTS (OPTION A) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

The draft ordinance was an item on the Planning Commission Regular Agendas of February 15th and March 1st. The Commission spoke at length about the various proposals and the option to not move forward at this time. The Commission consulted the Transportation Plan and the City Engineer.

Recommendation: The Commission recommends not moving forward with this ordinance but if the Council chooses to move forward the Commission recommends option 'C' including a pedestrian access form Greatland to Pioneer.

Att.

Homer Advisory Planning Commission minutes of February 15 and March 1, 2017
Staff reports PL 17-23 & PL 17-18

Reports

- A. Staff Report PL 17-20, City Planner's Report

City Planner Abboud reviewed the staff report.

Public Hearings

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

Plat Consideration

Pending Business

- A. Staff Report PL 17-21, Greatland Street Extension

City Planner Abboud reviewed the staff report.

The following motion is on the floor from the February 15, 2017 regular meeting:

ABRAHAMSON/VENUTI MOVED THE PLANNING COMMISSION RECOMMENDS OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND STRAIGHT TO PIONEER.

Commissioner Bos commented that option B is what is recommended by the transportation plan, but it doesn't seem feasible because nothing is planned in the near future for the city center area. He tends to agree that option C is the better choice as it's a start on the transportation plan recommendation. He understands option A is less expensive and would like to somehow express to council that option C is the best, but if this has to be done and cost is that tight, then they should have the opportunity to pick option A.

Commissioner Abrahamson questioned whether there is funding for option C and City Planner Abboud replied there is a balance in the HART fund that could cover it.

Commissioner Bradley agreed that option C is the most logical choice if we are going to stick to the work that has been done with the transportation plan and continue future planning for the City of Homer. She also noted the staff recommendation about hiring a traffic engineer, and thinks it would be necessary to do so if the city chooses option A, as the transportation plan might come into question.

Commissioner Venuti added that the traffic study would increase cost. He would advocate for option C because we could always complete it later and it's following the original plan.

Commissioner Abrahamson commented that if the city is going to deviate from the traffic plan there should be a good reason. She asked if the council is thinking they need to update the transportation plan and if that's why they are suggesting option A. City Planner Abboud believes the reasoning

behind option A is about cost, he doesn't think they are visualizing what the future could look like and added the transportation plan is designed to made to look way into the future and be useful for quite a while.

Chair Stead commented it won't be any cheaper than it is today to build, and if it's punched through with no connector on the other side as in option A, it will just be a T intersection. He doesn't see the value in that. He sees more value in option C because it builds to the transportation plan. He asked about land acquisition with option C.

Public Works Director Meyer discussed the process of working with property owners to acquire property through either platting or purchasing entire plots, and by using eminent domain. He went further to explain this process is backward from a regular SAD because normally they don't start out saying what the project is going to be and what it will cost, but there will still be a petition process and opportunities for neighborhood meetings, and so forth. He added with option A, two property owners are impacted and may not be supportive because they will receive an assessment for a road with less value than some of the other properties. It may end up there isn't enough property owner support for the project at all.

Mr. Meyer agrees this project would benefit from a traffic engineer. He spoke with DOT's regional traffic engineer and had some general discussion that option A isn't the best layout when it comes to moving traffic along Pioneer Avenue and the Sterling Highway because sooner or later the conflicting turning movements are going to make Greatland less usable than it is now.

There was further discussion reiterating and supporting the value of option C in that it would allow them to follow through with the transportation plan at some point in the future, and supporting the pedestrian access from Greatland up to Pioneer. They also addressed the need and and current economic climate. If there is concern about cost and availability of funding prohibiting following the transportation plan then perhaps now isn't the time.

Commissioner Abrahamson noted this area is part of a parks, art, recreation, and culture corridor in Homer and near HCOA and the museum. She asked if the city were to purchase entire parcel could there be options for a pocket park or something similar. Public Works Director Meyer replied that isn't included in the cost estimates he's done, but is an option that could be addressed.

ABRAHAMSON/VENUTI MOVED TO AMEND THE MOTION TO ADD LANGUAGE THAT THE PLANNING COMMISSION RECOMMENDS NOT MOVING FORWARD WITH THIS ORDINANCE BUT IF COUNCIL CHOOSES TO MOVE FORWARD USE OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND TO PIONEER.

There was brief discussion pointing out that if Greatland is extended north as a road, it runs you right into a driveway that is used to access businesses. That may raise issue as well.

VOTE: (amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 1, 2017

There was no further discussion on the main motion as amended.

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

Motion carried.

B. Staff Report PL 17-22, Temporary Auto Sales in the Marine Commercial District

City Planner Abboud reviewed the staff report.

The Commission discussed that allowing temporary auto sales in the marine industrial zoning district is not appropriate. They understand the needs of the hockey association but pointed out it's important not to set a precedent to do this.

VENUTI/BOS MOVED TO ADD AUTO SALE, TEMPORARY TO THE LIST OF PERMITTED OR CONDITIONAL PERMITTED USES IN THE MARINE INDUSTRIAL DISTRICT.

City Planner Abboud asked about a definition of temporary.

The suggestion was temporary is less than 30 days, one time per year.

VOTE: NO: BOS, STEAD, ABRAHAMSON, VENUTI, BRADLEY

Motion failed.

C. Staff Report PL 17-23, Temporary Cold Weather Shelter for the Homeless

City Planner Abboud reviewed the staff report.

Discussion points included:

- Teen homelessness and family resiliency
- Challenges and the differences of homelessness and homeless inebriates and drug addicts
- Difficulty with transition programs in that a lot of the available jobs in our community don't pay enough to support self sufficiency
- Churches aren't actively pursuing this and there aren't any numbers of how many people out need this service
- It's good a hostel would comply but what's to keep someone from creating a shelter and calling it a hostel
- Shelter for the homeless should remain as a CUP so neighboring property owners can weigh in and the Commission can consider if it's a practical and safe idea
- Funds to subsidy programs are being reduced
- Two stages of planning commission involvement in this issue could include first, a pathway to having buildings designated as hostels as an immediate solution to freezing temperatures; and second, a longer term solution in a CUP process and a way to create a more involved homeless shelter or transitional services housed in one location



City of Homer

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Staff Report PL 17-23

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: March 1, 2017
SUBJECT: Greatland Street Extension

Requested action: Finish any discussion about the extension of Greatland and vote on the motion on the floor.

The motion on the floor is:

ABRAHAMSON/VENUTI MOVED THE PLANNING COMMISSION RECOMMENDS OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND STRAIGHT TO PIONEER.

Attachments

1. Minutes excerpt of February 15, 2017 HAPC meeting
2. Staff Report 17-18

A. Staff Report PL 17-18, Greatland Street Extension

City Planner Abboud reviewed the staff report.

Public Works Director Meyer reviewed the packet information for the proposed Greatland Street Extension and the options, explained Councilmember Erickson brought this forward for Council's consideration, and at the request of the City Manager, options A, B, and C were developed.

He explained the simplest way to extend is option A, going straight up Greatland Street to Pioneer Avenue. The Transportation Master Plan addresses providing interconnectivity within the community and in this case suggests an additional east west corridor would be very beneficial to provide another way to get through the central business district other than using Pioneer Avenue and the Sterling Highway. In this case the east west corridor, being created as an extension of Bartlett, would curve around, cross Greatland, cross Main Street, go through the town center, connect into Hazel and could hook into Grubstake. He explained that some recent improvements in the area such as the restrooms at Bartlett and development of Waddell Way, have been done with consideration of this plan for an east west corridor. His recommendation is based on the overall master planning of the community as not to ignore the planning that has been done. City Council has proposed option A. Option B follows the Master Plan. He developed option C that completes a portion of what the Master Plan says and leaves the rest for a future time.

He supports following through with the Master Plan. It's hard to imagine Homer in 30 years with a fully developed central business district (CBD), but the recommendations of the plan will be very valuable as the density in the CBD increases to its ultimate capacity. Extending Greatland to Pioneer will create two intersections, the other being Bartlett coming down from the south, that will complicate traffic movement on Pioneer Avenue when the CBD is developed to a higher density. He recognized the cost difference but option A ignores how you get from point A to B through the CBD. The Council introduced the ordinance with option A and thinks several councilmember did so knowing the Planning Commission would review it further.

Commissioner Venuti asked if option A could be done now and add option B later. Mr. Meyer said that's an option but once extended, money has been spent on a portion of road that isn't needed, and in the future there will be more development to work around and it will be more costly.

Commissioner Bos asked about sidewalks. Mr. Meyer envisions each of the options would include curb, gutter, sidewalks, streetlights and so forth, similar to the Grubstake (Waddell Way) improvement. Commissioner Bos recognizes the importance of following the Master Plan but because of the current fiscal climate would support option A.

Commissioner Abrahamson understands the need to support the Master Plan but questions if the money isn't there to do it correctly, do we need to do it right now, and if we do, can we go to the compromise identified in option C.

Commissioner Bradley also questions whether it's necessary to do it now. She has concerns about the traffic impacts of the east west corridor at Bartlett Street. It's already challenging to turn there now.

VENUTI/HIGHLAND MOVED TO EXTEND THE MEETING ADJOURNMENT TO 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Works Director Meyer explained that until now the focus has been getting a better pedestrian corridor up through the alignment and not get into the details of the road extension, but now a Councilmember thinks it's important a road be extended up through there.

Other discussion points included locating traffic signals and intersections, turning movements, that Greatland is eligible for the HART program, and whether the improvement is necessary right now.

Commissioner Abrahamson agreed that they should not consider an option that will be contrary to future needs and common sense to traffic flow.

ABRAHAMSON/VENUTI MOVED THE PLANNING COMMISSION RECOMMENDS OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND STRAIGHT TO PIONEER.

Commissioner Bradley agreed and noted that they consider a left hand turn lane on the northern end of Bartlett. Currently people create their own and it's dangerous.

Commissioner Highland noted they hadn't talked much about option C and asked Ms. Abrahamson for more information.

Commissioner Abrahamson said the consideration of cost savings by the City Council in pointing out option A is the cheapest, that maybe option C is a compromise where they can do portions that will feed into the Master Plan and be long term planning solutions for the city, rather than a short term cheaper fix. She thinks the City Council looks to the Planning Commission to provide the expertise and guidance for long-term vision, rather than trying to address issues as they arise. In consideration for the budgetary situation, option C is a good compromise that doesn't compromise the long term Master Plan.

Commissioner Highland expressed her concern that they need more time to consider this.

HIGHLAND/VENUTI MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: YES: HIGHLAND, ABRAHAMSON, VENUTI, BRADLEY

NO: BOS, STEAD

Motion carried.



City of Homer

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Staff Report PL 17-18

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: February 15, 2017
SUBJECT: Greatland Street Extension

Introduction

Public Works introduced a project to the City Council to extend Greatland Street north to Pioneer Ave. The City Council has referred this issue to the Planning Commission for any comments (HCC 2.72.030(g)). The basic question is, how should Greatland connect to Pioneer Ave. Option A, preferred by Council, connects Greatland directly north between Sav U More and Northwind Home Collection to Pioneer Ave, along the existing dedicated right of way. Option C follows the 2005 Transportation Plan, connecting with Pioneer at Bartlett, creating a four-way intersection.

Please read the attachments and see the maps. Council has moved to support option A, the straight north connection to Pioneer. There was also discussion of connecting Greatland to the east to Main Street, but from Council's discussion it doesn't look like the City is looking to build that link that at this time. The main question is where Greatland should intersect with Pioneer Ave.

Analysis

Option A is cheaper. Option C is in the Transportation Plan, and more expensive. While we do generally follow our adopted plans, the work on that plan is from 2001 and addressed the overall transportation system of downtown Homer. In the big picture, it may not really matter how Greatland connects to Pioneer, but rather that there is a connection at all. If further analysis is desired beyond what was provided by Public Works, the City should hire a traffic engineer for advice on the pros and cons of connecting with Bartlett vs keeping the road straight.

Staff Recommendation

1. Recommend option A to the City Council.
2. If the Commission wants to further discuss this item or make another recommendation, pull the item from the Consent Agenda for discussion under New Business.
3. If further analysis is desired beyond what was provided by Public Works, the City should hire a traffic engineer.

Attachments

1. Pages 95-103, January 23rd 2017 City Council Packet
2. January 23rd CC meeting minutes excerpt
3. Maps from the 2005 Transportation Plan
4. Page I-38, 2005 Transportation Plan



City of Homer

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Public Works

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Memorandum 17-019

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: January 4, 2017
SUBJECT: **Proposed Greatland Street Extension**

Background:

Extending Greatland Street north to Pioneer Avenue has been contemplated for some time. The driving force has been interest in providing more direct vehicular and pedestrian access to Save-U-More and eliminating the need to access the area from and back onto the Sterling Highway. Moving forward with this extension is complicated by the recommendations of the Homer 2005 Transportation Plan, which recommends that the northern portion of Greatland Street be vacated and a new east/west road be extended to connect to Pioneer at Bartlett Street (to the west) and Main Street (to the east). See attached Exhibit A and B showing what extending Greatland to the north (Option A) would look like and how the Transportation Plan recommendations (Option B) could be implemented.

One of the major recommendations of the Transportation Plan was to develop a new road corridor through the central business district that could provide additional east/west traffic/pedestrian access and reduce traffic on Pioneer Avenue and the Sterling Highway. The plan envisioned extending a new road from Lake Street to Heath Street along Waddell Way (accomplished in 2016); pushing through a road from Poopdeck to Main (through "town center"); and extending the corridor west of Main Street, across Greatland Street, and connecting into Pioneer Avenue at Bartlett Street. This would allow for the northern portion of Greatland Street to be vacated, eliminating a poorly aligned Pioneer/Greatland intersection (Greatland north of Pioneer Avenue has already been vacated), and creating a four-way intersection at Pioneer and Bartlett (reducing the number of intersections and conflicting turning movements along Pioneer Avenue).

Discussion:

Projects like this are best accomplished when there is consensus among those affected. Public Works has contacted several of the property owners that will be most affected by

either alternative. I will not speak for them here, but in general they see value in both alternatives.

Option A – Extend Greatland North

Option A is the least expensive alternative. The estimated cost is \$643,600 (see table below). It does provide access to all area properties, has less impact to benefitting adjacent properties, and creates a connection to Pioneer Avenue. It does not provide for the recommended new east/west corridor that would benefit the entire community.

Public Works envisions that this option would be completed by creating a Special Assessment District (SAD) in which the City would pay 75% of the cost; the benefitted property owners would pay 25%. There are 3 affected property owners along Greatland who would each pay approximately \$14,679 under SAD. A SAD can be initiated by a property owner or by Council.

**Greatland Street Improvements
 Overall Cost Comparision - Option A, B and C**

	Option A	Option B	Option C
Design/Survey	\$ 56,028	\$ 113,160	\$ 64,944
Platting	\$ 7,500	\$ 29,000	\$ 20,000
Property Acquisition	\$ 6,000	\$ 331,125	\$ 163,500
Inspection (4%)	\$ 18,676	\$ 37,720	\$ 21,648
Road Construction	\$ 466,900	\$ 943,000	\$ 541,200
Contingency (15%)	\$ 83,266	\$ 141,450	\$ 121,694
Project Management (3%)	\$ 14,007	\$ 28,290	\$ 16,236
City Administration (4%)	\$ 18,676	\$ 37,720	\$ 21,648
Total Project Cost	\$ 671,053	\$ 1,661,465	\$ 970,870
Property Owner Contribution	\$ 167,763	\$ 146,793	\$ 146,793
City Cost	\$ 503,289	\$ 1,514,672	\$ 824,077

Option B – Vacate Greatland/Connect East/West to Main and Bartlett

Option B is the more expensive option, but conforms to the recommendation of the Transportation Plan. The cost is \$1,591,000.

Public Works envisions that this option would be completed by creating a City project, in which the one benefitted property owner through a development agreement would contribute no more than what they would pay under Option A; and the City would pay the remaining costs.

Option C – Vacate Greatland/Connect Only to West to Bartlett/Pioneer Intersection

Option C is based on Option B, but only constructs the western portion; leaving the connection to Main Street for another day. The cost is \$971,000.

Public Works envisions that this option would be completed by creating a City project, in which the one benefitted property owner through a development agreement would contribute no more than what they would pay under Option A; and the City would pay the remaining costs.

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

3 City Clerk/
4 Public Works Director

5 **RESOLUTION 18-011**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 APPROVING THE PURCHASE OF A CAMEL 1200 VACTOR TRUCK
9 FROM SUPER PRODUCTS, LLC IN THE AMOUNT OF \$362,970 AND
10 AUTHORIZING THE CITY MANAGER TO EXECUTE THE
11 APPROPRIATE DOCUMENTS.

12
13 WHEREAS, The City Council approved \$400,000 in the City of Homer 2018 Operating
14 Budget for the purchase of a new Vactor truck; and

15
16 WHEREAS, Public Works solicited quotes from three vendors (see Memorandum 18-
17 019); and

18
19 WHEREAS, The lowest responsive quote was from Super Products, LLC in the amount
20 of \$362,970; and

21
22 WHEREAS, The City of Homer Procurement Manual stipulates that when purchasing
23 through a State or local government contract, a formal competitive bid is not required; and

24
25 WHEREAS, The purchase of the Vactor truck will be through the National Joint Powers
26 Alliance (NJPA), a competitively awarded nationally leveraged cooperative purchasing
27 program; and therefore, the purchase of the equipment as described above is consistent with
28 the requirements of the City's procurement regulations.

29
30 NOW, THEREFORE, BE IT RESOLVED THAT the Homer City Council approves the
31 purchase of the Camel 1200 Vactor truck from the firm of Super Products, LLC in the amount of
32 \$362,970, and authorizes the City Manager to execute all necessary documents.

33
34 PASSED AND ADOPTED by the Homer City Council on this 12th day of February, 2018.

35
36 CITY OF HOMER

37
38
39 _____
40 DONNA ADERHOLD, MAYOR PRO TEMPORE
41
42

43 ATTEST:

44

45

46

47 _____
MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal Note: 152-0383 (PW Fleet Reserve) \$120,990; 256-0378 (Water Reserve) \$120,990;
50 256-0379 (Sewer Reserve) \$120,990



City of Homer

Dan Gardner, Superintendent

Public Works

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MEMORANDUM 18-019

To: Katie Koester, City Manager

Through: Carey Meyer, PW Director

From: Dan Gardner, PW Superintendent

Date: January 26, 2018

Subject: Purchase of Vacuum Truck

Within the 2018 budget, funding for a new vacuum truck was approved in the amount of \$400,000. The original capitol request was for \$450,000 which was based on preliminary figures from suppliers that ranged from \$395,000 to \$425,000. The estimate was increased due to the fact that there were many unknowns related to options and features.

Since late September, 2017, we have been working with various manufacturers to come up with the best unit to meet the city's needs. It has been a challenge to obtain real estimates, let alone quotes, due to the holiday season late in the year, and the price changes that took place at the close of 2017.

Three quotes were received this week that were based on the same size debris body and options listing. Some manufacturers have slightly different options/features, but all were given, and met the same option listing. Quotes were provided under NJPA (National Joint Powers Alliance), a municipal national contracting agency that meets state and local laws and bid requirements. Each quote has the unit delivered to Homer and provides for in-house training for approximately one week by the manufacturer.

The quotes came in as follows:

- | | | |
|---------------------------------------|-----------|-------------------------------------|
| 1. Super Products – Camel 1200 | \$357,240 | (\$362,970 with Ejector Plate Body) |
| 2. Vactor 2100 | \$379,917 | |
| 3. Sewer Equipment of America 900 ECO | \$388,017 | |

Public Works is most familiar with the Vactor units since this is what we have owned for 25 years. But, after doing considerable research on the Super Products Camel models (the low bidder), and speaking with two Alaska municipalities and a private contractor that own Camel's, we are confident in the performance abilities and durability of the Super Products vacuum truck.

Recommendation – Approve the purchase of the Super Products Camel 1200 for a price of \$362,970.

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

3 City Clerk/
4 PARCAC

5 **RESOLUTION 18-012**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 APPROVING AND ACCEPTING THE DONATION FROM THE
9 BUNNELL STREET ARTS CENTER OF A MURAL BY ALASKAN ARTIST
10 MARJORIE SCHOLL TO BE PLACED ON THE EXTERIOR WEST WALL
11 OF THE BISHOP'S BEACH PAVILION AND INCORPORATING IT INTO
12 THE CITY'S ARTWORK COLLECTION.
13

14 WHEREAS, Bunnell Street Arts Center selected Marjorie Scholl in their Artist in
15 Residency Project; and
16

17 WHEREAS, Marjorie Scholl is a talented artist whose work is held in many public
18 fashions throughout the City of Homer and her mural will show how humans and pets can
19 enjoy and explore the beach without causing damage to the natural habitat; and
20

21 WHEREAS, The will be fixed to the pavilion in a manner that allows it to be easily
22 removed, without damage to the mural or to the pavilion; and
23

24 WHEREAS, The Parks Department is not responsible for maintaining, refreshing or
25 repairing any damage that may occur to the mural; and
26

27 WHEREAS, Bunnell Street Arts Center would like to donate the artwork to the City's
28 collection and has completed the required application for the donation; and
29

30 WHEREAS, The Parks, Art, Recreation, and Culture Commission (PARCAC) has reviewed
31 the request for donation to the City of Homer and recommended that the City Council approve
32 and accept the donation and incorporate it into the Municipal Art Collection.
33

34 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
35 approves and accepts the donation from the Bunnell Street Arts Center of a mural by Alaskan
36 Artist Marjorie Scholl to be placed on the exterior west wall of the Bishop's Beach Pavilion, and
37 incorporates it into the City's artwork collection.
38

39 PASSED AND ADOPTED by the Homer City Council this 12 day of February, 2018.
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CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A



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Memorandum 18-020

TO: MAYOR ZAK AND CITY COUNCIL

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: JANUARY 30, 2018

SUBJECT: DONATION OF ART FOR PLACEMENT ON THE BISHOP'S BEACH PARK PAVILION

The Commission discussed and reviewed the application at their special meeting on January 18, 2018 for a donation of a mural by the Bunnell Street Art Gallery, created by local artist Marjorie Scholl to be placed on the west wall of the pavilion at Bishop's Beach Park. The commission recommends acceptance by City Council and inclusion in the Municipal Art Collection with the recommendations by the Public Works Director, Carey Meyer as follows:

- 1) That the mural be fixed to the shelter "windbreak wall" in a manner that allows it to be easily removed, without damage to the mural, if shelter maintenance work makes that necessary.
- 2) That the Parks Department is not responsible for maintaining, refreshing or repairing damage that might occur to the mural.

Following is the excerpt from the minutes of the meeting:

Recommendation

Approve the recommendation to accept the mural into the Municipal Art Collection in accordance with the Accession & Gift Policies and with the recommendations from staff.

Excerpt from the January 18, 2018 Special Meeting

NEW BUSINESS

B. Gift Proposal/Donation Program – An Overview

1. Donation of Art for the Bishop’s Beach Pavilion
 - i. Memorandum Public Works Recommendation
 - ii. Gift Proposal Donation of Art for the Bishops Beach Pavilion

Chair Steffy Introduced the item into the record.

Deputy City Clerk Krause reviewed her memorandum on the process.

Chair Steffy requested a motion noting that the applicant presented earlier on the agenda.

LOWNEY/SHARP – MOVED TO RECOMMEND CITY COUNCIL APPROVE THE DONATION OF A MURAL FOR PLACEMENT ON THE WEST WALL OF THE PAVILION AT BISHOP’S BEACH PARK AND INCLUDE IN THE MUNICIPAL ART COLLECTION AS OUTLINED IN THE CITY OF HOMER ACCESSION POLICY AND WITH RECOMMENDATIONS 1 & 2 FROM PUBLIC WORKS

There was a discussion on the process, timeline, warranty period on the art, installation and future maintenance or refurbishment needs, possible remediation of vandalism, the estimated budget, support for the artist’s contributions to the community, how this affects future donations as it applies to the process and open public opportunity.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



MUNICIPAL ART COLLECTION GIFT PROPOSAL APPLICATION

PLEASE TYPE OR PRINT CLEARLY AND MAKE YOUR RESPONSES COMPLETE AND THROUGH.

DATE _____

CONTACT PERSON _____ TITLE _____

ORGANIZATION IF APPLICABLE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ CELL _____

EMAIL _____

TELL US WHY YOU WISH TO DONATE THIS ARTWORK TO THE CITY OF HOMER? _____

PROPOSED ARTWORK

TITLE OF ARTWORK _____

ARTIST(S) NAME _____

YEAR COMPLETED _____ DIMENSIONS _____

MATERIALS USED TO CREATE ARTWORK _____

PHYSICAL DESCRIPTION OF THE PROPOSED PIECE--

NARRATIVE DESCRIPTION OF THE PROPOSED ARTWORK - TELL US THE STORY BEHIND THE PIECE OR SIGNIFICANCE -

IS THE PROPOSED PIECE ONE OF A KIND? _____ IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? _____
IF SO, AN EDITION OF HOW MANY? _____ IS THE PIECE COMPLETED? _____ IF NOT WHEN IS THE
EXPECTED COMPLETION DATE? _____
WHAT IS THE CURRENT CONDITION OF THE PIECE? _____

PROPOSED SITE OR LOCATION

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE ARTWORK? IF SO WHERE? _____

IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? _____

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)? _____

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? _____

TECHNICAL SPECIFICATIONS

DESCRIBE HOW THE ARTWORK IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF
THIS APPLICATION. _____

HOW IS THE ARTWORK TO BE PROPERLY INSTALLED? _____

DOES THE PIECE REQUIRE ELECTRICITY, PLUMBING OR OTHER UTILITY HOOKUPS? _____

WHO WILL BE INSTALLING THE ARTWORK? _____

WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE? _____

WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN? _____

PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS: _____

WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY? _____

WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD? _____

BUDGET

PROJECT MANAGEMENT FEES	\$ _____	INSURANCE	\$ _____
ARTIST'S FEES	\$ _____	UTILITY HOOKUP	\$ _____
PURCHASE PRICE	\$ _____	DELIVERY	\$ _____
PERMITS	\$ _____	INSTALLATION	\$ _____
STRUCTURAL ENGINEERING	\$ _____	SIGNAGE	\$ _____
SITE PREPARATION	\$ _____	RECOGNITION	\$ _____
OTHER COSTS NOT LISTED	\$ _____	DESCRIPTION	_____

DATE PIECE WAS LAST APPRAISED? _____

WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE? _____

TIMELINE

WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND DATE GOALS TO PREPARE THE PIECE FOR DONATION _____

RESTRICTIONS

ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE? _____

WHAT EXPECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK? _____

COMMUNITY INVOLVEMENT

WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION? _____

PLEASE INCLUDE ANY LETTER(S) OF SUPPORT FOR THE PROJECT OR PROPOSED DONATION.

APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION.

_____ **AN RESUME OR BIO FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.**

_____ **FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.**

_____ **THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK**

_____ **SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK**

_____ **IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.**

_____ **A COPY OF A FORMAL APPRAISAL IF AVAILABLE**

_____ **TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL ENGINEER.**

APPLICATIONS ARE TO BE SUBMITTED TO:

THE CITY OF HOMER

CITY CLERKS OFFICE

491 E. PIONEER AVENUE

HOMER, AK 99603

OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO clerk@ci.homer.ak.us

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT THE CLERK'S OFFICE AT 235-3130.

Marjorie Scholl

4043 Calhoun Street, Homer AK 99603

Mobile: 907-399-5377 marjoriescholl@gmail.com

WORK & VOLUNTEER EXPERIENCE

Longterm Substitute Aid

2017

Kenai Peninsula School District

- Supported students with social emotional and developmental needs
- Fulfilled a 45 day contract with West Homer Elementary
- Created and lead classroom activities
- Worked one-on-one with students to meet individual needs

Playgroup Coordinator

2011 - 2016

Sprout Family Services

- Created and facilitated child/parent playgroups consisting of movement, art and song
- Communicated weekly with parents and offered parenting support
- Organized and ran Sprout's equipment library
- Connected family with community resources and parenting curriculum

Business Owner/Dance Instructor

2000 - 2010

Off the Wall Studios

- Created a dance studio, with classes/instruction in tap and hip-hop.
- Coordinated many dancers & their parents to create full dance recital for many years
- Choreographed weekly routines and maintained all other aspects of owning a business

Business Owner/Artist

1995 - Current

Off the Wall Studios

- Completed several shows in portrait, city scape and landscape paintings.
- Working with local galleries and museums
- Creating commission pieces for local and out of state clients

Line Cook

1998-1999

Cafe Cups

- Created Specials and followed menu
- Effectively communicated with other staff members
- Created outstanding experience for customers under intense pressure

Line Cook

1997 - 1998

Lands End

- Created specials and followed menu for a high volume of customers
- Effectively communicated with other staff members under pressure
- Maintained positive attitude, helping morale in kitchen

Prep Cook

1995 – 1996

Carta: San Francisco, CA

- Learned how to break down exotic foods
- Maintained healthy working relationships with co-workers
- Developed skills in precision at a high pace

Cooking Manager

1996 – 1997

San Francisco Art Institute Cafe

- Managed several student cooks
- Maintained a professional work environment in a fast passed cafe
- Created opportunities for students to access healthy food

EDUCATION & TRAINING

San Francisco Art Institute: *San Francisco CA, Graduated Spring of 1994*

Bachelor of Fine Arts

- Ages and Stages, Third Edition
- Ages and Stages: Social Emotional
- HIPAA for Healthcare professionals: How to Avoid Disciplinary and Malpractice Actions 2015
- HIPAA Awareness for Mental Health 2016
- Civil rights and Discrimination Complaint
- Circle of Security Parenting Training
- The Power of Play: Proven strategies for Trauma and Attachment in children and Adolescents
- Alaska Strengthening Families



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Alaska Maritime National Wildlife Refuge
95 Sterling Highway, Suite 1
Homer, Alaska 99603

December 7, 2017

Matt Steffy, Chair
PARC Commission
City of Homer

Dear Chairman Steffy:

Alaska Maritime National Wildlife Refuge supports the installation of a mural at the gazebo of Bishops Beach Park. This mural will face refuge lands on Bishop's Beach and we think it will enhance the experience of Homer's residents and visitors enjoying Bishop's Beach. The Bunnell Street Arts Center is the lead on this Artist-in-Residence project. We have confidence in their ability to facilitate this project because of our successful partnership with them in another project to create a poetry trail on the Beluga Slough Trail. We were thrilled with the end product that merged art and the outdoors to help visitors see the slough in a new way.

We understand that the mural would be painted by acclaimed local artist Marjorie Scholl and that the Bunnell Street Arts Center's goal for the project is to communicate respect and stewardship for the Park as a space shared by people, pets, children and wild animals. That sounds like a perfect fit for Bishop's Beach and we are pleased to express our support.

If I can be of further assistance, please do not hesitate to contact me at (907) 235-6546. Again, thank you for your interest.

Sincerely,

Marc Webber
Acting Refuge Manager

**CITY OF HOMER
HOMER, ALASKA**

Mayor/Council

RESOLUTION 18-013

A RESOLUTION OF THE HOMER CITY COUNCIL EXPRESSING
RESULTS OF THE POLICE STATION EXTENDED WORKSESSION
AND PROVIDING DIRECTION FOR NEXT STEPS

WHEREAS, The Homer City Council has been working since 2014 on a new police station including establishing two separate work groups, the Public Safety Building Review Committee and the Police Station Task Force; and

WHEREAS, The configuration, site, cost and financing for a new station have all been discussed extensively; and

WHEREAS, The Homer City Council passed Resolution 17-074 authorizing an extended facilitated worksession with the goal of coming to consensus on an option that can be brought to the public for their feedback; and

WHEREAS, The Police Station extended worksession was held on January 29, 2018; and

WHEREAS, For the purposes of the worksession and this resolution, consensus is defined as a decision everyone councilmember can live with and feel confident taking to the voter; and

WHEREAS, The purpose of this resolution is to state areas where the Council can agree and give official direction on how to proceed with the project which will be followed up with additional legislation, as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska formalizes the following guidance for the next steps on the police station project:

1. Location: Corner of Heath Street and Grubstake
2. Total Project Cost: \$7.5 million or less with \$2.5 million from existing reserves
3. Spaces/Functions to incorporate into the re-design of the \$6.4 million design concept:

Two top-ranking priorities:

- 40 a. Partial or full daylight basement to allow at least for heated vehicle evidence
- 41 processing and evidence storage space;
- 42 b. Sally port;
- 43

44 Additional spaces, in order of priority as budget allows:

- 45
- 46 c. Additional cell for female prisoners;
- 47 d. Heated police vehicle garage;
- 48 e. Square footage for emergency operations center; and
- 49

50 BE IT FURTHER RESOLVED that the City Council of Homer Alaska will seek further consensus
51 on how to pay for the new police station and how to move forward with final design and
52 construction at the next regularly scheduled worksession, 4:00 pm February 26, 2018.

53
54 PASSED AND ADOPTED by the Homer City Council on this 12 day of February, 2018.

55
56 CITY OF HOMER

57
58
59
60 _____
61 DONNA ADERHOLD, MAYOR PRO TEMPORE

62 ATTEST:

63
64
65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK

67
68 Fiscal Note: Police Station Building Project Account #0156-0376 - \$4,000 (Ordinance 17-12)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 18-014

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ADOPTING THE CITY OF HOMER ALL HAZARDS MITIGATION PLAN 2018 UPDATE/REVISION AND AUTHORIZING THE CITY MANAGER TO FORWARD THE DOCUMENTS TO THE KENAI PENINSULA BOROUGH, THE ALASKA DIVISION HOMELAND SECURITY, AND OTHER ORGANIZATIONS AS APPROPRIATE.

WHEREAS, The Homer City Council recognizes the threat that natural and human generated hazards pose to its residents, their property, public infrastructure, and the health and safety of the community at large; and

WHEREAS, Planning for and implementing actions that avoid or mitigate the impacts of hazards before disasters occur reduces the potential for harm to people and property and saves taxpayer dollars; and

WHEREAS, An adopted All Hazards Mitigation Plan is required as a condition for future grant funding to the City for hazard mitigation projects; and

WHEREAS, The City has provided notice of the draft plan revision and opportunities to comment to its local partners in disaster mitigation, has participated jointly in the planning process with the Borough and other units of government, and held a hearing to solicit comments from the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby adopts the All Hazards Mitigation Plan 2018 Update/Revision.

BE IT FURTHER RESOLVED that the Homer City Council authorizes the City Manager to forward the Plan to the Kenai Peninsula Borough, the Federal Emergency Management Agency, the State Division of Emergency Management, and other organizations as appropriate.

PASSED AND ADOPTED by the Homer City Council this 12 day of February, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A



**City of Homer
All-Hazard
Mitigation Plan**

2018 Update

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Chapter I – Introduction

A. Purpose of the Plan:

The purpose of the All-Hazard Mitigation Plan is to fulfill the FEMA requirement under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act), Section 322, Mitigation Planning enacted by Section 104 of the Disaster Mitigation Act of 2000 (DMA) (P.L. 106-390). In accordance with FEMA directives, the City of Homer All-Hazard Mitigation Plan originally adopted in July of 2004 must be updated and revised to reflect the current situation as determined by a review of the mitigation efforts completed under the existing plan and a review of events that have occurred since adoption of the first plan. This plan will identify hazards; establish community goals and objectives and develop mitigation strategies and activities that are appropriate for the City of Homer.

The Disaster Mitigation Act of 2000 (DMA 2000), Section 322 (a-d), as implemented through 44 CFR Part 201.6 requires that local governments, as a condition of receiving federal disaster mitigation funds, have a mitigation plan that describes the process for identifying hazards, risks and vulnerabilities, identifying and prioritizing mitigation actions, encouraging development of local mitigation and providing technical support for those efforts. Although only required to address natural hazards such as earthquake, severe storms, etc., it is the intent of the City of Homer to address, to the fullest extent possible, all-hazards that might reasonably be expected to strike the greater Homer area including natural, technological, and man-made hazards.

The purpose of this plan is to produce a program of activities through actions and projects that will best deal with the City of Homer's hazard vulnerabilities, while meeting other community needs. This plan will accomplish the following objectives consistent with FEMA planning process guidelines:

- Describe the planning process to include public involvement;
- Sustain outreach to help build support within the community.
- Provide hazard specific information at community meetings.
- Conduct an assessment of the potential risks;
- Determine what facilities, or portions of infrastructure, are vulnerable to a disaster;
- Develop a mitigation strategy, where possible, to reduce potential losses and target resources;
- Describe how each entity will periodically evaluate, monitor, maintain and update the plan; and,
- Describe the process for implementing the plan after adoption by the local governing body of the community and receiving FEMA approval.

B. Methodology

The City of Homer All-Hazards Mitigation Plan 2015 Update was developed as a multi-jurisdictional plan in cooperation with the Kenai Peninsula Borough. On January 25, 2015, the Homer City Council adopted by Resolution, 16-012 the City of Homer All-Hazards Mitigation Plan 2015 Update. This plan becomes an Annex of the Kenai Peninsula Hazard Mitigation Plan. This plan must also be approved by the State of Alaska Division of Homeland Security, Emergency Management, and the Federal Emergency Management Agency (FEMA). [Due to the length of time between initial submittal and approval the City of Homer will re-introduce a Resolution to adopt the finalized and adopted plan upon approval by the State of Alaska and FEMA. The Plan will become the 2018 All-Hazard Mitigation Plan.](#)

The approach used for the review and update of the City of Homer All-Hazard Mitigation Plan consisted of the following tasks:

1. Coordinate with other agencies and organizations
2. Solicit public involvement
3. Conduct hazard area inventory
4. Review and analyze previous and future mitigation activities
5. Describe the update and review process and schedule for plan maintenance
6. Coordinating the Plan with the KPB and State Hazard Mitigation Plan
7. Submitting to the State Hazard Mitigation Officer for Review
8. Submitting to FEMA Region 10 for Review and Approval
9. Adoption of the Plan following the public hearing process

This All Hazard Local Mitigation Plan Revision contains a list of potential goals and activities with a brief rationale or explanation of how each project or group of projects contributes to the overall mitigation strategy outlined in the plan.

This plan summarizes the activities above to assess the effects of hazards in the City of Homer: flooding, earthquake, wildfire etc. and recommends mitigation strategies and activities.

The mitigation plan will be evaluated and updated every five years. In addition, the plan will be reviewed annually by the City of Homer Director of Emergency Services (Emergency Manager) and as appropriate when a disaster occurs that significantly affects Homer, whether or not it receives a Presidential Declaration. If it is determined that mitigation planning was insufficient to address the particular event, the Director will convene the All-Hazard Planning Group made up of community stake-holders.

Years 1 & 3 Funding streams will be discussed, and which mitigation action should be implemented within the coming year. All departments and/or organization that are responsible for mitigation action will be invited to attend. Potential funding sources for mitigation programs are actively pursued by City Administration. Mitigation planning will be coordinated with the Kenai Peninsula Borough's Office of Emergency Management, by representation of Homer's City Manager's Office or designee at Borough hazard mitigation planning meetings in order to combine planning efforts and mitigation activities wherever possible.

Years 2 & 4 Absent a large scale event or disaster to trigger earlier plan maintenance, the Director of Emergency Services will, with agreement of the City Manager, establish the All-Hazard Planning Group to review and update the plan in year 4 of the cycle. The City

will determine whether there are components of the plan's Risk Assessment that can be updated. The previous year's disasters (if any) will be assessed and, if needed, produce better maps to aid in future hazard mitigation. The public and key stakeholders will be a part of this review. A representative of the Kenai Peninsula Borough's hazard mitigation planning team will be invited to represent the borough's mitigation activities.

Year 5 A full update of the all-hazards mitigation plan will be completed. The public, key stakeholders and the committee will convene and if needed assign plan update tasks. The plan review process is scheduled to accommodate the various stakeholder agencies/individuals involved in the process. Regular updates of the planning process are provided to the City Manager, who reports bimonthly to the City Council in a verbal and written report. Once a draft plan update has been created by the planning team it is presented to the City Council for review and approval to be submitted for state and FEMA approval. Once the plan is approved by both agencies the plan is formally adopted by Resolution by the City of Homer. The approved plan becomes an annex to the Kenai Peninsula Borough Hazard Mitigation Plan. Routine maintenance of the plan will include updating historical hazard information, completing hazard analysis and adding projects as new funding sources become available, or taking projects off the list when they are accomplished.

Public Outreach The City of Homer will publish routine announcements regarding the Hazard Mitigation Planning Process adoption/revision session, or within 90 days following a declared disaster to solicit public input pertaining to the event or any necessary plan updates for the following years. Public input is obtained through feedback questions generated on the City of Homer website, public comment cards available at all city offices and through public comment during every city council meeting. The City of Homer All-Hazard Disaster Mitigation Plan is adopted by public process during City Council meetings, in which the public are asked to testify at the beginning and end of each council meeting. In addition the Draft Plan is posted on the City of Homer website for public review and comment.

C. Homer – Background

The following information was obtained from the Department of Commerce, Community, and Economic Development Community Database online at this website:
<http://www.commerce.state.ak.us/> as of April 24, 2015.

General Location

Homer is located on the north shore of Kachemak Bay on the southwestern edge of the Kenai Peninsula. The Homer Spit, a 4.5-mile long gravel bar, extends from the Homer shoreline into Kachemak Bay. Homer is 227 road miles south of Anchorage, at the southern-most point of the Sterling Highway. It lies approximately 59.6425° and -151.54833°. (Section 19, Township 6 South, Range 13 West, Seward Meridian. Homer is located in the Homer Recording District. The area encompasses 10.6 square miles of land and 14.9 square miles of water. The city limits extends easterly approximately 4.5 miles, northward along Skyline Drive and to the west just beyond Roger's Loop. The City of Homer abuts Kachemak City to the east and is a part of the Kenai Peninsula Borough.

Climate

Homer lies in the Gulf Coast Maritime Climate Zone. The Minimum Daily Temperature during Winter is -1° F and the Maximum Daily Temperature during Summer is 76° F. The Maximum Daily Precipitation totals 1.1” with a Total Annual Precipitation of 24.1 inches, including 55 inches of snow.

History

The Homer area has been home to Kenaitze Indians for thousands of years. In 1895, the U.S. Geological Survey arrived to study coal and gold resources. Prospectors bound for Hope and Sunrise disembarked at the Homer Spit. The community was named for Homer Pennock, a gold mining company promoter who arrived in 1896 and built living quarters for his crew of 50 on the Spit. Their plans were to mine the beach sands along Cook Inlet, from Homer to Ninilchik. The Homer post office opened shortly thereafter. In 1899, Cook Inlet Coal Fields Company built a town and dock on the Spit, a coal mine at Homer’s Bluff Point, and a 7-mile long railroad, which carried the coal to the end of the Spit. Various coal mining operations continued until World War I, and settlers continued to trickle into the area, some to homestead in the 1930s and 1940s, other to work in the canneries built to process Cook Inlet fish. Coal provided fuel for homes, and there is still an estimated 400 million tons of coal deposits near Homer. The City government was incorporated in March 1964. After the Good Friday earthquake in 1964, the Homer Spit subsided approximately 4 to 6 feet. Since then several buildings were relocated to reduce the effects of hazards with particular emphasis on new and existing buildings and infrastructure.

Culture

While commercial fishing has long been the mainstay of the Homer economy, tourism has become increasingly important. Homer is known as an arts community and is also a gateway community in relation to more remote destinations, such as Kachemak Bay State Park and Lake Clark National Park and Preserve. The Homer Jackpot Halibut Derby attracts summer recreational fisherman and the Kachemak Bay Shorebird Festival attracts spring time birders.

Population and Economy

The Alaska State Department of Labor estimates the 2014 population of Homer at 5,099. Homer is incorporated as a first-class city. It is primarily a fishing, fish processing, trade and service center, and enjoys a considerable seasonal visitor industry. The Homer Spit has two deep water docking facilities: the Deep Water Dock and the newer Pioneer Dock which is home to the U.S. Coast Guard Cutter Hickory and is the home berth of the Alaska Marine Highways Ferry Tustumena. Homer is home to the Islands and Ocean Visitor Center, an interagency facility and important meeting place.

Estimated resident per capita income for 2014 was \$33,469 and the unemployment rate was 8.8% according to the Alaska State Department of Commerce 2014 Audit Report.

Facilities

Over 90% of homes are fully plumbed. Water is supplied by a dam and 35-acre reservoir at Bridge Creek, is treated, and stored in a 500,000-gallon tank and a newly constructed 1,000,000-gallon tank, and piped to the majority of homes in the City. The newly completed water treatment plant can treat 2 million gallons of water per day, with the potential for another one million gallons per day when needed due to population growth. Other residents use individual wells or have water delivered to home tanks. City sewage is piped to a deep-shaft sewer treatment plant; capacity is 880,000 gallons per day. Refuse is collected by one of two private trash collection services, and hauled to an updated Borough Class 1 Monofill landfill at mile 169.3 Sterling Highway.

Homer Electric Association is a member-owned electric cooperative that provides power to the western Kenai Peninsula, including Sterling, Soldotna, Kenai, Nikiski, Kasilof, Ninilchick, Homer and south Kachemak Bay. HEA facts:

- 22,892 member-owners
- 33,341 meter locations
- 2,407 total miles of energized line
- 3,166 square-mile service area on the southern Kenai Peninsula

The City is the major property owner on the Spit and operates the port and harbor facilities which include:

- **Small Boat Harbor:** which has 920 reserved stalls, plus 6000 linear feet of transient mooring.
- **Fish Dock and Ice Plant:** The Fish Dock operates for a 9-month season. The dock has eight cranes and the Ice Plant has a 200 ton ice storage capacity.
- **Deep Water Dock:** 245 linear feet with a 40 foot depth.
- **Pioneer Dock:** 469 linear feet with a 40 foot depth that serves the Alaska Marine Highway system.

KEY LOCATIONS

- Corporate office in Homer
- Central Peninsula Service Center in Kenai
- Nikiski Generation Plant
- Bradley Lake Hydroelectric Plant (owned by the State of Alaska)
- Bernice Lake Power Plant (Nikiski)
- Soldotna Power Plan

Transportation

Homer is accessible by the Sterling Highway to Anchorage, Fairbanks, Canada and the lower 48 states. It is often referred to as “The End of the Road”, because it lies at the terminus of the Sterling Highway. The State owns and operates the Homer Airport, with a 6,700 ft asphalt runway, and a seaplane base at Beluga Lake. The City is served by several scheduled and chartered aircraft services. There are four additional private landing strips in the Homer vicinity. The Alaska Marine Highway and local ferry services provide water transportation. The Deep Water Dock was constructed in 1990 and can accommodate vessels up to 800 ft, displacing 65,000 tons. The Pioneer Dock, constructed in 2001-2002 can accept vessels up to 750 ft and displacing 80,000 tons. The Small Boat Harbor has 920 reserved boat slips (up to 85 ft boats); 6,000+ linear feet of transient moorage; 48.7 acre boat basin; two tidal grids; and a five lane load and launch ramp.

Chapter II – Planning Process

A. Planning Process

The City of Homer began the 2015 All-Hazard Mitigation Plan Update process in April with a preliminary committee meeting held on April 3, 2015, and conducted the first of several public meetings regarding the plan update on April 17, 2015 (attendance included only one member of the public, 2 media representatives, and 3 committee members). The Committee will meet monthly through the completion of the update. In August 2015, committee member who is also on the Homer City Council member, Catriona Reynolds provided the public an update and timeline for public review. The Homer All-Hazard Mitigation Plan Update Committee included:

- Robert Painter, Director of Emergency Services
- Dotti Harness-Foster, Planning Technician
- Catriona Reynolds, Homer City Council
- Glenn Radeke, Support Services Director, South Peninsula Hospital
- Charlie Pierce, Enstar Natural Gas
- Joe Gallagher, Homer Electric Association
- Terry Rensel, Program Director, KBBI Homer Public Radio
- Scott Nelsen, State of Alaska Division of Homeland Security and Emergency Management, Hazard Mitigation Planner

Ex Officio members of the committee included:

- Beth Wythe, Mayor
- Katie Koester, City Manager
- Mark Robl, Police Chief
- Rick Abboud, City Planner
- Zhiyong Li, Finance Director
- Anne Dixon, Library Director
- Byran Hawkins, Port & Harbor Director/Harbormaster
- Carey Meyer, Public Works Director
- Jo Johnson, City Clerk

Other city staff, community stake-holders, and content experts provided support and review services of the draft documents and provided helpful feedback to the committee, including, but not limited to:

- Alaska Department of Transportation
- Kenai Peninsula Office of Emergency Management
- Alaska Division of Homeland Security and Emergency Management
- Homer City Council
- National Tsunami Warning Center
- Alaska Volcano Observatory
- National Weather Service
- Kenai Peninsula Borough School District
- Enstar Natural Gas
- Homer Electric Association
- Homer Chamber of Commerce

B. Opportunity for Public Involvement

Public involvement was on full-alert in March of 2015 when the South Peninsula Hospital conducted a full-scale emergency preparedness exercise. The 3-day evacuation of a large facility to an alternative site was titled “Rock and a Hard Place.” The exercise was designed to test and evaluate the City’s and South Peninsula Hospital’s response to overwhelming catastrophic events. The City of Homer along with eleven other Federal, State, and Local agencies, plus 50-75 mock victims participated in the 3-day exercise. The mock scenario involved heavy rains that saturated the ground resulting in a landslide that threatened the hospital which initiated the need for an alternate care site. The mock rains also closed the Sterling Highway.

In addition, the City hosts a biennial disaster preparedness conference where citizens can learn about the entire emergency management cycle, including mitigation and areas of concern. All the above stakeholders participate during these updates as required following any large scale event or during the planning cycle.

In order to enlist public comment on the draft City of Homer All-Hazard Mitigation Plan 2015 Update/Revision, an initial Town Hall meeting was advertised and conducted on April 17, 2015 in the City of Homer Council Chambers from 6:00 PM until 7:30 PM. Links to the draft plan were posted as a Key Topic on the Fire Department and on the State’s Emergency Management Library.

Two public hearings were advertised in the local newspapers. This plan was available on the City’s website and at the Homer Public Library. Feedback was accepted by email, fax, in person, or by phone.

On January 11, 2016, the Homer City Council introduced a resolution for adoption and held a public hearing on January 25, 2016 and adopted the Plan by Resolution 16-012.

The City of Homer is dedicated to involving the public directly in the continual reshaping and updating of the LHMP. The Planning Team will identify opportunities to raise community awareness about the LHMP and the hazards that affect the City. Any public comments received regarding the LHMP will be collected by the Planning Team Leader will be included in the annual review and considered during future LHMP updates

In order to maintain public involvement with hazard mitigation planning the city posts the adopted plan and any impending drafts on the City of Homer website <http://www.cityofhomer-ak.gov/> . On the website are avenues for the public to comment on specific issues. In addition, the city has Public Comment Cards readily accessible in every city office where anyone can submit comments regarding any issues of interest. The Fire Department maintains an active Facebook presence and regularly posts articles of interest for the public, including issues related to disaster preparation and all-hazard mitigation efforts. The planning group organized for each plan review/revision is made up of a wide range of community stakeholders, including members of the media. In addition, every Homer City Council Meeting is broadcast via KBBI Homer Public Radio to accommodate those people that cannot attend council meetings in person. All City Council meetings are advertised in accordance with the Open Meeting Rules and there are opportunities for public comment on any matters at the beginning and end of each meeting.

Chapter III– Hazard Profiles

The City of Homer participates in the National Flood Insurance Program (NFIP). The function of the NFIP is to provide flood insurance at a reasonable cost to homes and businesses located in floodplains. The program is based upon mapping areas of flood risk, and requiring local implementation to reduce flood damage primarily through requiring the elevation of structures above the base (100-year) flood elevation (BFE). In 2009 the City of Homer adopted higher regulatory standards which require that all new structures be elevated one foot or more above the best flood elevation (BFE+1). The Planning Office requested, and FEMA provided updated flood maps date September, 25, 2009 for the Homer Spit, Ord. 08-29 and Ord. 09-38. Another map update is schedule for adoption in 2016 that includes the Beluga Lake and Beluga Slough areas.

The City of Homer Fire Department, under the direction of the Fire Chief/Director of Emergency Services will be the lead for prioritize, implement and administer this plan. This Planning Office offers support and coordination.

A. Hazard Identification Matrix – City of Homer

Flood	Wildland Fire	Earthquake	Volcano	Snow Avalanche	Tsunami
Y-M	Y-H	Y-M	Y-M	Y-M	Y-M
Weather	Landslides	Erosion	Drought	Technological	Economic
Y-H	Y-M	Y-H	N	Y-L	Y-M
Biologic	Man-Made				
Y-M	Y-L				

Hazard Identification:

- Y: Hazard is present in jurisdiction but probability unknown
- N: Hazard is not present
- U: Unknown if the hazard occurs in the jurisdiction

Risk:

- L : Hazard is present with a low probability of occurrence
- M : Hazard is present with a moderate probability of occurrence
- H: Hazard is present with a high probability of occurrence

Emergency Management Specialist rate hazards based on the following criteria for probability (Table 1) and impact (Table 2).

Table 1: Hazard Probability Criteria	
Probability	Criteria
4 - Certain	<input type="checkbox"/> Event is probable within the calendar year. <input type="checkbox"/> Event has up to 1 in 1 year chance of occurring (1/1=100 percent). <input type="checkbox"/> Probability is greater than 33 percent per year. <input type="checkbox"/> Event is Certain.
3 - Likely	<input type="checkbox"/> Event is probable within the next three years. <input type="checkbox"/> Event has up to 1 in 3 years chance of occurring (1/3=33 percent). <input type="checkbox"/> Probability is greater than 20per cent but less than or equal to 33 percent per year. <input type="checkbox"/> Event is Likely.
2 - Credible	<input type="checkbox"/> Event is probable within the next five years. <input type="checkbox"/> Event has up to 1 in 5 years chance of occurring (1/5=20 percent). <input type="checkbox"/> Probability is greater than 10 percent but less than or equal to 20 percent per year. <input type="checkbox"/> Event is Credible.
1 - Plausible	<input type="checkbox"/> Event is possible within the next ten years. <input type="checkbox"/> Event has up to 1 in 10 years chance of occurring (1/10=10 percent). <input type="checkbox"/> History of events is less than or equal to 10 percent likely per year. <input type="checkbox"/> Event is Plausible.

Table 2: Hazard Impact Criteria	
Impact	Criteria
4 - Catastrophic	<input type="checkbox"/> Multiple deaths. <input type="checkbox"/> Complete shutdown of facilities for 30 or more days. <input type="checkbox"/> More than 50 percent of property is severely damaged.
3 - Critical	<input type="checkbox"/> Injuries and/or illnesses result in permanent disability. <input type="checkbox"/> Complete shutdown of critical facilities for at least two weeks. <input type="checkbox"/> More than 25 percent of property is severely damaged.
2 - Limited	<input type="checkbox"/> Injuries and/or illnesses do not result in permanent disability. <input type="checkbox"/> Complete shutdown of critical facilities for more than one week. <input type="checkbox"/> More than 10 percent of property is severely damaged.
1 - Negligible	<input type="checkbox"/> Injuries and/or illnesses are treatable with first aid. <input type="checkbox"/> Minor quality of life lost. <input type="checkbox"/> Shutdown of critical facilities and services for 24 hours or less. <input type="checkbox"/> Less than 10 percent of property is severely damaged.

Table 3 assigns numerical ratings to each risk factor. Each factor is a part of the whole risk, which is represented by the number 1, (.45 + .30 + .15 + .10 = 1.0).

Table 3: Priority Risk Index Values			
.45 Probability	.30 Impact	.15 Warning Time	.10 Duration
4 - Certain	4 - Catastrophic	4 - under 6 Hours	4 - under 1 Week
3 - Likely	3 - Critical	3 - 6-12 Hours	3 - over 1 Week
2 - Credible	2 - Limited	2 - 12-24 Hours	2 - under 1 Day
1 - Plausible	1 - Negligible	1 - 24+ Hours	1 - under 6 Hours

The community rates each risk factor by degree, such as “Certain” or “Catastrophic”. The ratings are multiplied by the risk factors:

Example: Probability = 4-Certain, Impact=3-Critical, Warning Time=2-12-24 Hours, Duration=4-over 1 Week.

$$(4 \times 0.45) + (3 \times 0.30) + (2 \times 0.15) + (4 \times 0.10) = 1.8 + 0.9 + 0.3 = 3.0$$

The planning team rated each factor using data from prior disasters, and used the results to assign relative importance to each hazard. Projects that protect life are given the highest priority, followed by critical infrastructure, public property, and private property, in that order. Mitigation actions are dependent on available funding and must be coordinated with existing projects and are driven by available weather conditions.

Table 4: Risk Priority Index					
Hazard	Probability	Impact	Warning Time	Duration	Priority Risk Index
Earthquake	4 Certain	2 Limited	4 < 6 Hours	1 < 6 Hours	3.1
Erosion	4 Certain	1 Negligible	1 24+ Hours	4 > One Week	2.65
Flooding	1 Plausible	2 Limited	2 12-24 Hours	3 < One Week	1.65
Volcano	2 Credible	2 Limited	1 24+ Hours	1 < 6 Hours	1.75
Weather	2 Credible	2 Limited	1 24+ Hours	3 < One Week	1.95
Wildfires	3 Likely	3 Critical	2 12-24 Hours	4 > One Week	2.95
Landslides	1 Plausible	2 Limited	4 < 6 Hours	3 < One Week	1.95
Tsunami	2 Credible	1 Negligible	4 < 6 Hours	1 < 6 Hours	1.9
Technological	1 Plausible	1 Negligible	4- < 6 Hours	1- < 6 Hours	1.45
Economic	2 Credible	2 Limited	1- 24+ Hours	4- > One Week	2.05

Table 4: Risk Priority Index					
Hazard	Probability	Impact	Warning Time	Duration	Priority Risk Index
Biological	2 Credible	3 Critical	2 -12-24 Hours	4- > One Week	2.5
Man-Made	1 Plausible	2 Limited	4-<6 Hours	3- <One Week	1.95

Action Plan: Priority will be given to projects that are the most effective, easy to implement, and are supported by the community. Outreach programs have minimal cost and can have a dramatic effect on the reduction and avoidance of hazards.

Benefit-Cost Analysis is an option that often involves long-range planning to consider how best to reduce and avoid hazards. Multiple departments and agencies are often involved in long-range planning. This is a very public process, which takes time and in the end may recommend policy and code changes.

B. Flood: Profile of Hazard Events

Flooding is a natural event and damages occur when humans interfere with the natural process by altering the waterway, developing watersheds, and/or building inappropriately within the floodplain. This flooding threatens life, safety and health; causes extensive property loss; and results in substantial damage.

Homer participates in the NFIP which is a source of reasonably priced flood insurance for property owners that build to floodplain standards. In 2013 the City adopted updated Flood Insurance Rate Maps. The flood maps are based on a 100 year chance event and do not include tsunamis because the relatively short period of record.

Flooding in Homer can be broken into a number of categories including: rainfall-runoff floods, snowmelt floods, ground-water flooding, and stream/creek flash floods. Homer also experiences coastal flooding from storm surge but this will be discussed in the Weather section.

Homer has experienced floods on several occasions in the last 15 years. Major events occurred in 2002, 2007 and 2013, resulting in numerous bridges being washed out on the Kenai Peninsula and isolating Homer for several weeks while temporary repairs were made. Two of these events were declared disasters and resulted in disruptions to the economy by preventing the flow of goods and materials south of Ninilchik except by barge or airplane.



There continue to be local events caused by ground water saturation, snow-melt, water runoff and local topography.

On October 26, 2013 the National Weather Service issued a flood watch for areas around Western Prince William Sound due to a slow moving system which brought heavy rainfall to the mainland. Seward, Homer, and other areas of the Kenai Peninsula received over 5 inches of rain which caused widespread flooding, landslides, and road washouts. Seward, Homer, Kenai, Anchor Point, and the Tyonek area all reported damages. Disaster Declarations were received from the Kenai Peninsula Borough on October 29, 2013. (13-F-243, KPFB Flood Disaster declared by G. Parnell on Nov. 18, 2013 then FEMA declared January 16, 2014(DR-4161).

Rainfall-Runoff Floods

A typical rainfall event occurs in mid to late summer and early fall. The rainfall intensity, duration, distribution and geomorphic characteristics of the watershed all play a role in determining the magnitude of the flood. Runoff flooding is the most common type of flood.

In November 2007 heavy rains, above freezing temperatures and melting snow caused small stream flood advisory for the southern Kenai Peninsula. The National Weather Service reported 1.64 inches of rain in a 24-hr period, which led to overflowing culverts that sent water over the roadways.

Snowmelt Floods

Snowmelt floods usually occur in the spring or early summer. The depths of the snowpack and spring weather patterns influence the magnitude of river and stream flooding. The Sterling Highway between Homer and Anchor Point is subject to snowmelt flooding each spring.

Ground-water Floods

Ground-water flooding occurs when water accumulates and saturates the soil. The water-table rises and floods low-lying areas, including homes, septic tanks, and other facilities. Ground-water flooding can also occur in basements of structures along streams or in low-lying areas. Areas along Kachemak Drive are subject to ground water flooding.

Flash Floods

These floods are characterized by a rapid rise in water. They are often caused by heavy rain on small stream basins, ice jam formation or by dam failure. They are usually swift moving and debris filled, causing them to be very powerful and destructive. Steep coastal areas in general are subject to flash floods. Debris slides are often associated with heavy rains. The 2002 events resulted in several flash floods which closed roads and washed away bridges. Several small creeks and streams in the Homer area produced substantial debris laden flows during this time.

Homer Participation in the National Flood Program

City	Initial FHBM Identified	Initial FIRM Identified	Current Effective Map Date	Reg-Emer Date	Tribal
Homer	05/19/1981	06/16/1999	11/6/2013	06/02/2003	No

Homer NFIP Insurance as of 5/31/2015

Total Premium	No. of Policies	Total Coverage	Ttl Claims Since 1978	Ttl paid Since 1978
\$15,899	12	\$2,854,600	0	0

Homer Repetitive Loss

Total Payments	Losses	Properties	As of Date
0	0	0	5/27/2015

Extent

The extent of coastal flooding is limited to the Homer Spit and East End Road areas. Flooding from excessive precipitation is largely limited to roads and structures located along stream drainages.

Impact

Impacts to the community are “Limited” with minor injuries and/or illnesses not resulting in permanent disability, complete shutdown of critical facilities for more than one week, and more than 10 percent of property severely damaged (Table 2). Flooding events, even for those properties unaffected directly, will suffer due to road closures, impacts to public safety (access and response capabilities), limited availability of perishable commodities, and isolation.

Probability

Recorded historical flooding information indicates Homer experiences flooding every 10 years, and that trend is expected to continue. Therefore, the probability of continued flooding is “Plausible” (Table 1).

Probability	Impact	Warning Time	Duration	Calculated Risk
1 x .45	2 x .30	2 x .15	3 x .10	1.65

C. Wildland Fires

Wildland fires occur in every state in the country and Alaska is no exception. Each year, between 600 and 800 wildland fires, mostly between March and October, burn across Alaska causing extensive damage.

Fire is recognized as a critical feature of the natural history of many ecosystems. It is essential to maintain the biodiversity and long-term ecological health of the land. In Alaska, the natural fire regime is characterized by a return interval of 50 to 200 years, depending on the vegetation type, topography and location. The role of wildland fire as an essential ecological process and natural change agent has been incorporated into the fire management planning process and the full range of fire management activities is exercised in Alaska to help achieve ecosystem

sustainability, including its interrelated ecological, economic, and social consequences on firefighter and public safety and welfare, natural and cultural resources threatened, and the other values to be protected dictate the appropriate management response to the fire. Firefighter and public safety is always the first and overriding priority for all fire management activities.

Hazard Analysis/Characteristics

Fires can be divided into the following categories:

Structure fires – originate in and burn a building, shelter or other structure. These may subsequently spread to adjacent wildlands.

Prescribed fires - ignited under predetermined conditions to meet specific objectives, to mitigate risks to people and their communities, and/or to restore and maintain healthy, diverse ecological systems.

Wildland fire - any non-structure fire, other than prescribed fire, that occurs in the wildland.

Wildland Fire Use - a wildland fire functioning in its natural ecological role and fulfilling land management objectives.

Wildland-Urban Interface Fires - fires that burn within the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. The potential exists in areas of wildland-urban interface for extremely dangerous and complex fire burning conditions which pose a tremendous threat to public and firefighter safety.

Fuel, weather, and topography influence wildland fire behavior. Wildland fire behavior can be erratic and extreme causing fire-whirls and firestorms that can endanger the lives of the firefighters trying to suppress the blaze. Fuel determines how much energy the fire releases, how quickly the fire spreads and how much effort is needed to contain the fire. Weather is the most variable factor. Temperature and humidity also affect fire behavior. High temperatures and low humidity encourage fire activity while low temperatures and high humidity help retard fire behavior. Wind affects the speed and direction of a fire. Topography directs the movement of air, which can also affect fire behavior. When the terrain funnels air, like what happens in a canyon, it can lead to faster spreading. Fire can also travel up slope quicker than it goes down.

Wildland fire risk is increasing in Alaska due to the spruce bark beetle infestation. The beetles lay eggs under the bark of a tree. When the larvae emerge, they eat the tree's phloem, which is what the tree uses to transport nutrients from its roots to its needles. If enough phloem is lost, the tree will die. The dead trees dry out and become highly flammable.

Homer like other areas of the Kenai Peninsula has been dramatically affected by the beetle-kill. The vast majority of wildland fires on the Kenai Peninsula are the result of human activities with open burning being the most prevalent. Lightning caused fire, though they do occur, are infrequent, especially on the south Kenai Peninsula. The 2005 Tracy Avenue Fire, and the 2009 mile 17 East End Road Fire were especially threatening to property and had potential loss of life. In May of 2014 a human caused fire started along the Funny River Road in the central Kenai Peninsula. Over its course, this fire grew to almost 200,000 acres of Black Spruce, mixed hardwoods and Spruce and old beetle kill and grass. Though located outside Homer City Limits, these recent fires demonstrate the potential for rapid fire spread given the weather conditions, topography and the availability of local and state wildfire fighting crews.

Wildland Fire Management in Alaska

In Homer, wildland fire management is the responsibility of Division of Forestry and the City of Homer, Homer Volunteer Fire Department.

The Alaska Division of Forestry has statutory authority of all wildlands within the state of Alaska. The City of Homer provides wildland fire protection under terms of a Cooperative Agreement and Annual Operating Plan with the Division of Forestry (DOF).

These two agencies, along with other mutual-aid fire departments, work together to fight wildfires in and around Homer.

Location

Wildland fires have not been documented within the boundaries of Homer; however, wildland fires have occurred in the vicinity.

Extent

During the summer, the entire community is vulnerable to wildland fire as most of the structures are constructed of wood and other flammable materials. Standing timber and other natural fuels interface with the community. The entire South Zone of the Kenai Peninsula is subject to wildfire conflagration. Perhaps with the exception of portions of the Homer Spit, the entire Homer community could be considered an “interface” zone. History has demonstrated that fire brands can be carried by local winds up to ½ mile, jumping man-made fire lines and spreading fire across large areas. Most areas of Homer are immediately adjacent to wildland areas and could be threatened by uncontrolled fire.

Impact

Based on past wildland fire events and the criteria identified in Table 2, the impacts could be “Critical” with injuries, critical facilities shut down for more than two weeks, and more than 25 percent severely damaged property and infrastructure. Additionally, airborne smoke and ash have driven those with sensitive respiratory systems to temporarily relocate during past wildfires.

Without mitigation or preparation efforts, the impacts of a wildland interface fire in Homer could grow into an emergency or disaster. In addition to impacting people, wildland fires may severely impact livestock and pets. Such situations may require emergency life support, evacuation, and alternative shelter.

Indirect impacts of wildland fires can be catastrophic. In addition to stripping the land of vegetation and destroying forest resources, large, intense fires can harm the soil, waterways, and the land itself. Soil exposed to intense heat may lose its capability to absorb moisture and support life. Exposed soils erode quickly and enhance siltation of rivers and streams, thus increasing flood potential, harming aquatic life, and degrading water quality.

Probability

Recorded wildland fires within 10 years and 50 miles of Homer have an average recurrence rate of approximately 2.5 to 3 years (Figure 1). Therefore it is “Likely” a wildland fire will occur within 50 miles of McGrath, as the probability is greater than 20 percent but less than or equal to 33 percent likely each year.

Probability	Magnitude	Warning Time	Duration	Priority
3 x .45	3 x .30	2 x .15	4 x .10	2.95

Figure 3 Alaska Fire Management Options, 2012

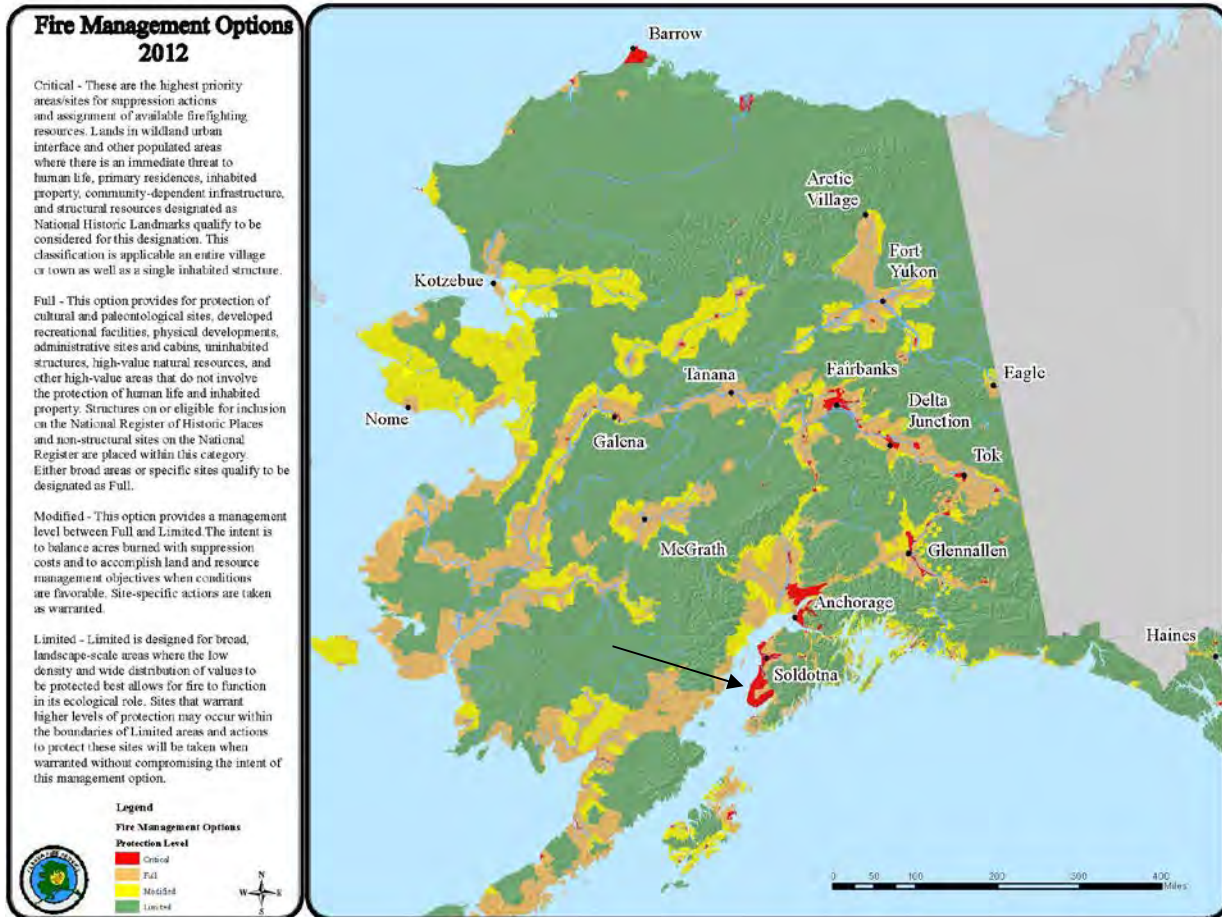


Figure 3 Source: Alaska Interagency Coordination Center 2015

According to the Alaska Interagency Coordination Center, Homer is located in a Critical Management Option area of the state (Figure 3). “Critical Management Option” is the highest management level, intending to minimize loss of life and burned acreage in developed areas.

D. Weather

Weather is the result of four main features: the sun, the planet's atmosphere, moisture, and the structure of the planet. Certain combinations can result in severe weather events that have the potential to become a disaster.

In Homer, there is potential for weather disasters. Wind-driven waves from intense storms produce coastal flooding and erosion. High winds, common on the Kenai Peninsula can topple trees, damage roofs, and result in power outages across vast areas of Homer and the surrounding communities. Heavy snow contributes to the availability of water for the Bradley Lake Hydroelectric Plant, and for keeping the Bridge Creek watershed supplied, but can also cause avalanches or collapse roofs of buildings throughout the area when accumulations are too heavy. A quick thaw can lead to erosion and flooding along creeks and area streams.

Winter Storms

Winter storms originate as mid-latitude depressions or cyclonic weather systems. High winds, heavy snow, and cold temperatures usually accompany them. To develop, they require:

- Cold air - Subfreezing temperatures (below 32°F) in the clouds and/or near the ground to make snow and/or ice.
- Moisture - The air must contain moisture in order to form clouds and precipitation.
- Lift - A mechanism to raise the moist air to form the clouds and cause precipitation. Lift may be provided by any or all of the following:
 - The flow of air up a mountainside.
 - Fronts, where warm air collides with cold air and rises over the dome of cold air.
 - Upper-level low pressure troughs.

Each year the Seward Highway between Anchorage and the Kenai Peninsula is closed for intervals due to either avalanche or avalanche control efforts.

Heavy Snow

Heavy snow, generally more than 12 inches of accumulation in less than 24 hours, can immobilize a community by bringing transportation to a halt. Until the snow can be removed, airports and major roadways are impacted, even closed completely, stopping the flow of supplies and disrupting emergency and medical services. Accumulations of snow can cause roofs to collapse and knock down trees and power lines. Heavy snow can also damage light aircraft and sink small boats. In the mountains, heavy snow can lead to avalanches. A quick thaw after a heavy snow can cause substantial flooding, especially along small streams and in urban areas. The cost of snow removal, repairing damages, and the loss of business can have severe economic impacts on cities and towns.

Injuries and deaths related to heavy snow usually occur as a result of vehicle accidents. Casualties also occur due to overexertion while shoveling snow and hypothermia caused by overexposure to the cold weather.

Record heavy snow occurred in Anchorage on March 17, 2002 when two to three feet of snow fell in less than 24 hours over portions of the city. Ted Stevens International Airport recorded a storm total of 28.7 inches, and an observer near Lake Hood measured over 33 inches. The city of Anchorage was essentially shut down during the storm, which fortunately occurred on a

Sunday morning when a minimal number of businesses were open. Both military bases, universities, and many businesses remained closed the following day, and Anchorage schools remained closed for two days. It took four days for snow plows to reach all areas of the city. This snowfall also impacted Homer and the Kenai Peninsula and resulted in airport closures, travel delays, and delays of transportation of foodstuffs and other commodities.

Ice Storms

The term ice storm is used to describe occasions when damaging accumulations of ice are expected during freezing rain situations. They can be the most devastating of winter weather phenomena and are often the cause of automobile accidents, power outages and personal injury. Ice storms result from the accumulation of freezing rain, which is rain that becomes super-cooled and freezes upon impact with cold surfaces. Freezing rain most commonly occurs in a narrow band within a winter storm that is also producing heavy amounts of snow and sleet in other locations.

Freezing rain develops as falling snow encounters a layer of warm air in the atmosphere deep enough for the snow to completely melt and become rain. As the rain continues to fall, it passes through a thin layer of cold air just above the earth's surface and cools to a temperature below freezing. The drops themselves do not freeze, but rather they become super-cooled. When these super-cooled drops strike the frozen ground, power lines, tree branches, etc., they instantly freeze.

The atmospheric conditions that can lead to ice storms occur most frequently in Southwestern Alaska along the Alaska Peninsula and around Cook Inlet. Brief instances of freezing rain occur frequently along the southern coast of Alaska, but these events generally produce very light precipitation with less than ¼ inch of ice accumulation.

High Winds

In Alaska, high winds (winds in excess of 60 mph) occur rather frequently over the coastal areas along the Bering Sea and the Gulf of Alaska because of coastal storms. High winds, especially across the coast, can also combine with loose snow to produce blinding blizzard conditions and dangerous wind chill temperatures.

They can reach hurricane force and have the potential to seriously damage port facilities, the fishing industry and community infrastructure (especially above ground utility lines).

In the spring of 2003, strong winds across the Kenai Peninsula resulted in wide-spread power outages, downed trees, and structural damage and fanned the flames of a 150 acre wildfire in Anchor Point.

On December 12, 2011 a Kenai Peninsula Windstorm was declared by Governor Parnell, followed by FEMA's declaration on February 2, 2012 (DR-4054). In November, 2011, a series of major windstorms caused widespread power outages threatening life and property. Power was disrupted to 17,300 homes and businesses. Local utilities, Homer Electric Association (HEA) and Chugach Electric employed several work crews to restore power to the area. Public Infrastructure, commercial property, and personal property damages were reported in the metropolitan areas and throughout the borough. DHS&EM received local declarations from the Kenai Peninsula Borough (KPB) requesting state disaster assistance to cover immediate response, public and individual costs and from the City of Seward through the KPB requesting State assistance.

Coastal Storms

From the fall through the spring, low pressure cyclones either develop in the Bering Sea or Gulf of Alaska or are brought to the region by wind systems in the upper atmosphere that tend to steer storms in the north Pacific Ocean toward Alaska. When these storms impact the shoreline, they often bring wide swathes of high winds and occasionally cause coastal flooding and erosion.

Homer has an extensive history of storm damage, especially in the coastal areas along the Homer Spit and adjacent properties. In August of 1989 the U.S. Army Corp of Engineers published a *Storm Damage Reduction Draft Interim Feasibility Report with Engineering Design and Environmental Assessment* for the Homer Spit.

Over the years attempts have been made to reduce the impacts of coastal storms and subsequent erosion with varying degrees of success and some notable failures. In 1982 significant damage to the sheet pile reinforcement along the Spit prompted the installation of a concrete slab revetment. In a storm in 1984 those repairs were mostly washed away, again resulting in significant damage to the State Highway leading to the end of the Homer Spit. In the 1990's a major project along the western edge of the Spit Road involved the placement of significant large rock revetments. Again in 2014, ADOT reinforced the western edge of Homer Spit Road.



Above: In the fall of 2015, the City had this camp host building removed from the west side of the Homer Spit. Previous attempts to reduce the impact of coastal storms were not successful.

Storm Surge

Storm surges, or coastal floods, occur when the sea is driven inland above the high-tide level onto land that is normally dry. Often, heavy surf conditions driven by high winds accompany a storm surge adding to the destructive force of the flooding waters. The conditions that cause coastal floods also can cause significant shoreline erosion as the flood waters undercut roads and other structures. Storm surge is a leading cause of property damage in Alaska.

Communities that are situated on low-lying coastal lands with gradually sloping bathymetry near the shore and exposure to strong winds with a long fetch over the water are particularly susceptible to coastal flooding.

The Homer Spit has a moderate exposure to coastal flooding due to the consistent effects of erosion and the extraordinary tidal range in the region. A storm surge and high water levels resulted in flooding on the Homer Spit in November of 2002.

Climatic Factors

Current weather patterns are influenced by short term climate fluctuations, such as the El Nino/La Nina Southern Oscillation (ENSO). Long term changes in atmospheric composition and sea temperatures will exert a greater influence. The Governor appointed Alaska Climate, Ecosystems & Human Health Work Group is determining pending impacts to human health and regional ecosystems from long term changes in the Earth's climate.

Location

The entire Homer area is vulnerable to the effects of severe weather. Winter snows may accumulate up to 3 feet per storm while wind speeds reach as high as 60 mph.

Extent

Homer experiences the severe weather events:

- Heavy Rain
- Heavy Snow
- Freezing Rain and Ice Storms
- Extreme Cold
- Winter Storms
- Drifting Snow

Impact

The Homer area is most vulnerable to high winds during the winter season. Winds may sweep up loose snow and produce blinding blizzards and dangerous wind chills. Additionally, high winds may damage community facilities and infrastructure.



Thrashed gabions baskets and utilities are damaged by coastal storms.

For years, private property owners on the west side of the Homer Spit have attempted to stabilize their shorelines. The typical stabilization methods are rock revetments and gabion baskets that are backfilled with stones and harbor dredge material. The aftermath of storms leaves gabion baskets destroyed and metal debris on the beach with utility service lines exposed to the harsh environment. With intense wave action and freeze/thaw conditions utility companies question the safety of offering utilities in such high hazard areas.

Probability

Based on the event history and the criteria from Table 1, it is “Credible” a severe storm may occur in the next five years. The probability is greater than 10 percent but less than 20 percent per year.

Probability	Impact	Warning Time	Duration	Calculated Risk
2 x .45	2 x .30	1 x .15	3 x .10	1.95

E: Landslides

Ground failure can occur in many ways. Types of ground failure in Alaska include landslides, land subsidence, and failures related to seasonally frozen ground and permafrost.

Landslides usually occur in steep areas but not always. They can occur as ground failure of river bluffs, cut-and-fill failures associated with road and building excavations, collapse of mine-waste piles, and slope failures associated with open-pit mines and quarries. Underwater landslides usually involve areas of low relief and slope gradients in lakes and reservoirs or in offshore marine setting.



Looking up from the beach, chunks of land slough downward toward the shoreline.

Landslides can occur naturally or be triggered by human activities. They occur naturally when inherent weaknesses in the rock or soil combine with one or more triggering events such as heavy rain, snowmelt, changes in groundwater level, and seismic or volcanic activity. They can be caused by long-term climate change that results in increased precipitation, ground saturation and a rise in groundwater level, which reduces the shear strength and increases the weight of the soil. Erosion that removes material from the base of a slope can also cause naturally triggered landslides.

Human activities that trigger landslides are usually associated with construction such as grading that removes material from the base, loads material at the top, or otherwise alters a slope. Changing drainage patterns, groundwater level, slope and surface water, for example the addition of water to a slope from agricultural or landscape irrigation, roof downspouts, septic-tank effluent, or broken water or sewer lines can also cause landslides.

The City of Homer has adopted local ordinances to define Steep Slope, and to require engineering approval for any development of steep slopes within Homer (HCC 21.44.050).

The majority of town rests on a bench of land bordered on the north with steep slopes and gullies. South Peninsula Hospital is situated immediately below such a steep slope and will be subject to landslide damage should one occur. Homer is currently addressing steep slope development to mitigate future impacts from construction in these potentially unstable areas.

In October, 2013 heavy rains caused a 16-foot tall mudslide that roared down Bear Creek Drive, (3 miles east on East End Road). Uphill, Bear Creek canyon is narrow and when heavy rains saturated the soils the steep canyon “let go” sending trees and debris down Bear Creek which jammed a culvert on the uphill side of East End Road. A Disaster Declaration was declared for several rain soaked areas in the Kenai Peninsula Borough. The road crew cleared the mudslide off the roadway allowing traffic to proceed, followed by culvert and debris clean up.

In April of 2015 a landslide occurred along a stretch of Kachemak Drive, near the Homer Airport. The slide resulted in Kachemak Drive being close about a half-mile from Homer Spit Road to the top of the hill by the old airport. Rainy conditions and wet soils caused the slope below the road to slide into Mud Bay. The slide took a 100-foot section of the east bound lane of Kachemak Drive pushing clumps of spruce and alder trees into Mud Bay. Within two-weeks ADOT had repaired the roadway and Kachemak Drive was reopened.

The secondary effects of landslides can also be very destructive. Landslide dams cause damage upstream due to flooding and downstream due to a flood which may develop as a result of a sudden mudslide.

Location

Landslide prone areas are the hillside bordering the City, the vicinities of the South Peninsula Hospital, and Homer Airport.

Extent

The City of Homer may experience landslides from excessive precipitation, frost heaving, or a rapid spring thaw. Additionally Homer may experience earthquake generated slides and liquefaction.

Impact

The City of Homer will experience a “Limited” impact, primarily upon the local hospital, public works, water and sewer service, and roads.

Probability

Referencing their local history and Table 1, it is “Plausible” that the City of Homer will experience a landslide within the next ten years.

Probability	Impact	Warning Time	Duration	Calculated Risk
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1 x .45

2 x .30

4 x .15

3 x .10

1.95

F. Coastal Erosion in Homer

Erosion is a process that involves the wearing away and movement of land. Coastal erosion along Kachemak Bay is a natural phenomenon which includes four principal processes that include wave action, rain and wind, high tides, and the freeze-thaw liquefaction of soils.

In 2005 the Kachemak Bay Research Reserve completed a study of erosion rates in Homer. The study provided an estimate of coastal bluff erosion rates based on a series of aerial surveys from 1951 to 2003. The result, the average erosion rates along Homer's shoreline is approximately 0.3-1.2 meters per year.

Homer confronts coastal erosion seasonally, usually with winter storms, especially along the Spit and along Ocean Drive Loop, a residential housing area. A seawall was constructed in 2002 in an attempt to protect residential structures from continued erosion. The initial construction consisted of the installation of 20, 22, and 24 foot long resin reinforced fiberglass sheet pilings, generally installed 10 ft below beach level and 10 – 14 ft above. All construction occurred above the mean high tide line. The piling was installed by trenching. The top of the wall is at elevation 30' (mean high tide = 17.3).



Even before the seawall was completed it was damaged by a moderate storm. The City and property owners have annually attempted to replace missing anchor bolts that attach the wood timbers to the wall and replace bent/missing metal plates that were designed to protect timer joints.

In addition, portions of the Sterling Highway along the Spit had to be reconstructed when undercut by several strong winter storms in 1998-1999.

Photo: Homer's seawall.

West of the Homer Spit, erosion threatens the Sterling Highway where steep bluffs are creeping close to the Sterling Highway. Redirecting portions of the Sterling Highway inland and other mitigation methods are projects that the State of Alaska, DOT&PF and FEMA are considering.

Protective measures such as seawalls, or revetments, can actually lead to increased erosion. This is because shoreline structures eliminate the natural wave run-up and sand deposition and can increase reflected wave action. The increased wave action can scour in front of and behind structures and prevent the settlement of suspended sediment.

Factors Influencing the Erosion Process

Extent

When undeveloped coastlines undergo erosion, it does not present a problem because there is nothing to be damaged. However, pressure to develop and protect properties along the Kachemak Bay is increasing. There are a variety of natural and human-induced factors that influence the erosion process. For example, shoreline orientation, beach composition and exposure to prevailing winds, open ocean swells, and waves all influence erosion rates. Natural factors may include:

- Shoreline type
- Geomorphology of the coast
- Nature of the coastal topography
- Elevation of coastal dunes and bluffs
- Shoreline exposure to wind and waves

Human factors include: Information from *Erosion Responses for Property Owners*, pg 2, 12.

- Shoreline stabilization structures that change the power and direction of waves and of sediment transport.
- Density of development
- Development encroaching into the high hazard zones.
- Altered drainages
- Added water to soil
- Cleared lands
- Change of absorption rate of land surface

Climatic factors such as sea-level rise, increased storm activity, and land subsidence exacerbate coastal erosion in Alaska. According to the National Oceanic and Atmospheric Administration (NOAA), global average sea levels rose a total of 7.7 inches between 1870 and 2004.

Impact

The primary impact from erosion is the loss of developable land and anything on it. Utility companies reburying utilities that are exposed by ocean waves. The impact to infrastructure is expensive and ongoing and includes the Sterling Highway and Homer Spit Road.

Probability

Given the event history, it is “Certain” the City of Homer will experience further erosion of its land. Additional events are probable within the calendar year with a 1 in 1 year chance of occurring (1/1=100 percent) and the event history is greater than 33 percent likely per year.

Probability	Impact	Warning Time	Duration	Calculated Risk
4 x .45	1 x .30	1 x .15	4 x .10	2.65

G. Earthquake

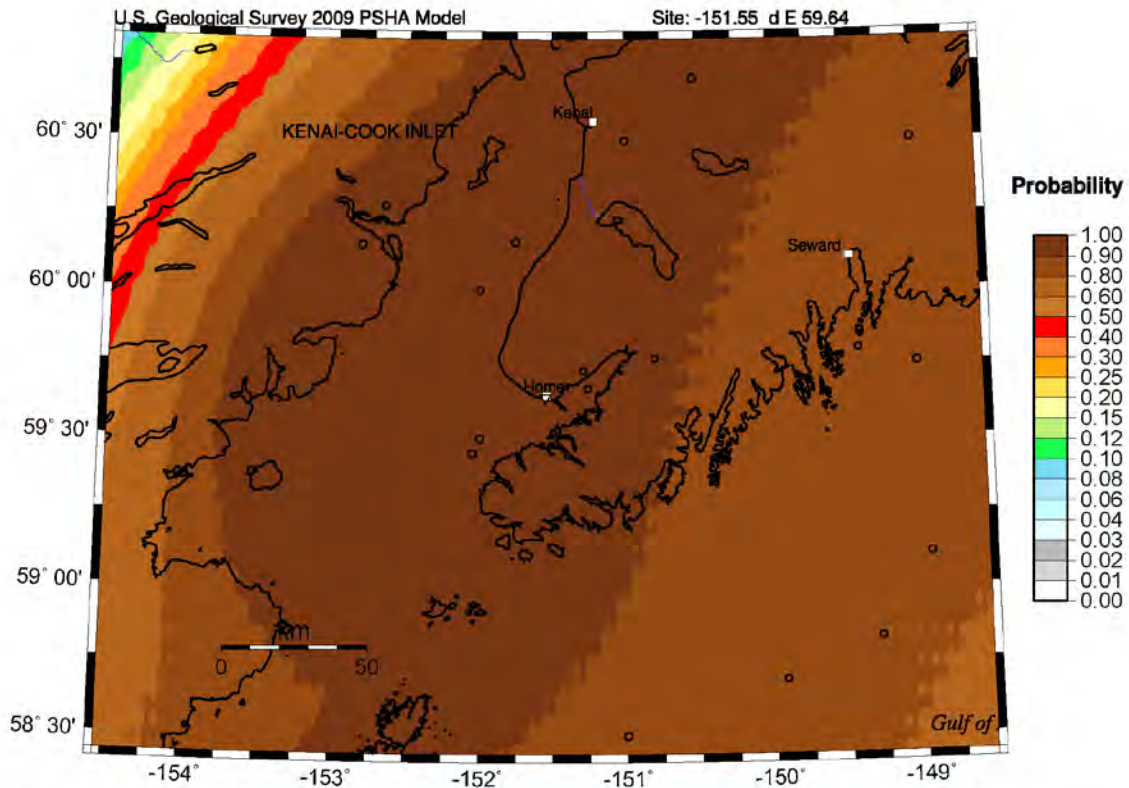
Seismic hazards in Alaska come from several sources. The largest earthquakes in the state are caused by subduction of the Pacific plate beneath Alaska. Three of the seven largest earthquakes in the 20th century occurred in Alaska (1957 Aleutian, 1964 Prince William Sound, and 1965 Rat Islands). Another type of hazard comes from the smaller magnitude 6.8 to 8.0 earthquakes, which occur in many regions of central and south-central Alaska. These events, while smaller, occur at more frequent intervals, and in locations that cannot always be predicted. On average, Alaska has a magnitude 7.0 or larger earthquake about every two years. Similar in size to recent California earthquakes, these events could cause major damage if they occurred in a populated or strategically sensitive area. A third hazard exists from the many smaller events that often occur near populated areas. While these events are too small to cause widespread damage, they are relatively common and thus pose a continuous threat to urban areas. Alaska Earthquake Information Center (AEIC) personnel locate and report about 22,000 earthquakes each year, and advise federal and state officials of each major earthquake's location and size within 30 minutes. (AEIC, 2015)

Location

The entire geographic area of Alaska is prone to the effects of an earthquake. Figure 4 was generated using the U.S. Geologic Survey (USGS) Earthquake Mapping model and indicates an 80 to 100 percent probability of a 5.0 magnitude or greater earthquake occurring within 20 years and 50 kilometers of Homer.

Figure 4 Homer Earthquake Probabilities

Probability of earthquake with M > 5.0 within 20 years & 50 km



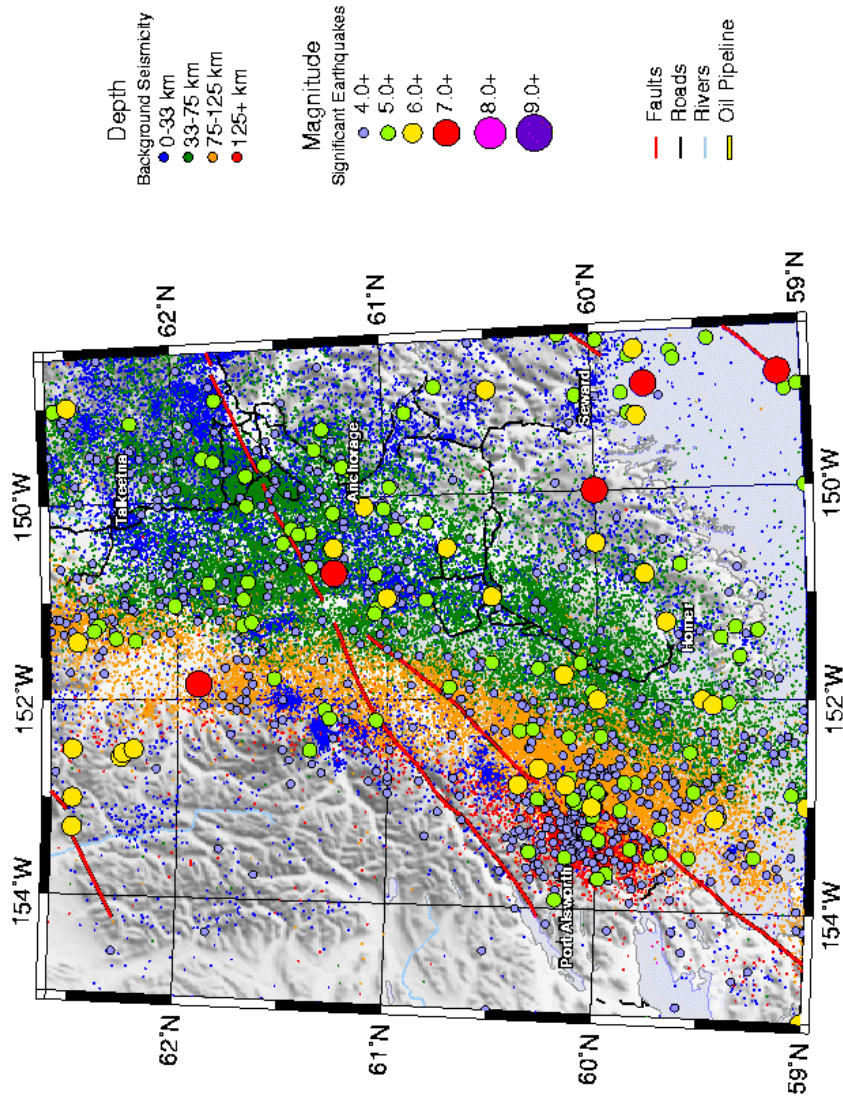
GMT 2015 Jul 22 18:32:33 EQ probabilities from USGS OFR 2007-1043 PSHA. 50 km maximum horizontal distance. Site of Interest: triangle. Fault traces are brown; rivers blue. Epicenters M_p=8.0 circles.

The Department of Geological and Geophysical Survey (DGGS) Map of Alaska’s Quaternary Faults depicts Alaska’s known earthquake fault locations (Figure 5).

Figure 6 shows recent earthquakes of M 4.0 or greater from 1903 to present near Homer, Alaska. No damage resulted from these earthquakes.

Figure 6 Homer Earthquake History

Cook Inlet Seismicity



Extent

Alaskans experience approximately 5,000 earthquakes annually, including 1,000 measuring above magnitude 3.5. Alaska is vulnerable to three types of earthquakes:

1. **Subduction zone earthquakes** begin with one crustal plate moving beneath another plate. This is the case in Southcentral Alaska and along the Aleutian Islands, where the Pacific Plate dives beneath the North American Plate. The Good Friday Earthquake in Alaska resulted from movement along the Aleutian Megathrust subduction zone.
2. **Transform fault earthquakes** originate from crustal plates sliding by each other. A popular example is the San Andreas Fault in California. A transform fault exists just offshore of southeastern Alaska, where the North American Plate and the Pacific Plate slide past each other on the Fairweather - Queen Charlotte Fault.
3. **Intraplate earthquakes** occur within a tectonic plate, occasionally at great distance from the plate boundaries. These types of earthquakes may have magnitudes of 7.0 and greater. Shallow earthquakes in the Fairbanks area are an example of intraplate earthquakes.

Impact

Homer is located in a region of high seismicity. Although nearby earthquakes will be felt in the City, only “Limited” impact is expected due to prior history and seismic retrofits. However, no facilities are seismically reinforced for a high magnitude event and the soil structure in the area tends to be very weak. Therefore, the impact of a high magnitude earthquake could be “Critical” with injury, illness, death, complete shutdown of critical facilities for at least two weeks, and more than 25 percent severely damaged property.

Probability

Considering Figures 1, 2, and 3, it is “Certain” an earthquake M 5.0 or greater may occur within 100 kilometers of Homer within the next 10 years (Table 1). Referencing Figure 1, earthquake modeling or Shake Map indicates an 80 to 100 percent probability of a 5.0 magnitude or greater earthquake occurring within 20 years near Homer.

This 2009 Shake Map incorporates current seismicity in its development and is the most current map available for this area. Peter Haeussler, USGS, Alaska Region, explained factors influencing probability in earthquake hazard mapping in 2009:

The occurrence of various small earthquakes does not change earthquake probabilities. In fact, in the most dramatic case, the probability of an earthquake on the Denali fault was/is the same the day before the 2002 earthquake as the day afterward. Those are time-independent probabilities. The things that change the hazard maps is changing the number of active faults or changing their slip rate.

Probability	Impact	Warning Time	Duration	Calculated Risk
4 x .45	2 x .30	4 x .15	1 x .10	3.1

H. Tsunamis

Tsunamis are traveling gravity waves in water, generated by a sudden vertical displacement of the water surface. They are typically generated by uplift or drop in the ocean floor, seismic activity, volcanic activity, meteor impact, or landslides (above or under sea in origin).

Most tsunamis are small and are only detected by instruments. Tsunami damage is a direct result of three factors: inundation (extent the water goes over the land), wave impact on structures and coastal erosion.

In 2003, Homer became the first community in Alaska to receive both a Tsunami and Storm Ready Community Designation from the National Weather Service and DHS&EM. That designation has been reviewed and updated every 4 year since then, most recently in 2015.

Types of Tsunamis

Tele-tsunami

Tele-tsunami is the term for a tsunami observed at places 1,000 kilometers from their source. In many cases, tele-tsunamis can allow for sufficient warning time and evacuation. No part of Alaska is expected to have significant damage due to a tele-tsunami. There is a slight risk in the western Aleutians and some parts of Southeast Alaska.

Most tele-tsunamis that have reached Alaska have not caused damage. In fact, most tele-tsunamis have had their largest recorded amplitude (in Alaska) at Massacre Bay, Attu Island. The amplitude is usually under 1 foot.

Risk is even less for communities within Kachemak Bay including Homer.

<i>Magnitude</i>	<i>Height (ft)</i>
-2 to -1	<1.0 to 2.5
-1 to 0	2.5 to 4.9
0 to 1	4.9 to 9.9
1 to 2	9.9 to 19.7
2 to 3	19.7 to 34.2
3 to 4	34.2 to 79.0
4 to 5	79 to >105.0

Volcanic Tsunamis

There has been at least one confirmed volcanically triggered tsunami in Alaska. In 1883, a debris flow from the Saint Augustine volcano reportedly triggered a tsunami that inundated Port Graham (across Kachemak Bay from Homer) with waves 30 feet high, although geologic evidence is inconclusive to substantiate the wave height claim. Other volcanic events may have caused tsunamis but there is not enough evidence to report that conclusively. Many volcanoes have the potential to generate tsunamis.

Seismically-Generated Local Tsunamis

Most seismically-generated local tsunamis have occurred along the Aleutian Arc. Other locations include the back arc area in the Bering Sea and the eastern boundary of the Aleutian Arc plate. They generally reach land 20 to 45 minutes after starting.

Landslide-Generated Tsunamis

Submarine and subaerial landslides can generate large tsunamis. Subaerial landslides have more kinetic energy associated with them so they trigger larger tsunamis. An earthquake usually, but not always, triggers this type of landslide and they are usually confined to the bay or lake of origin. One earthquake can trigger multiple landslides and landslide-generated tsunamis. Low tide is a factor for submarine landslides because low tide leaves part of the water-saturated sediments exposed without the support of the water.

Landslide –generated tsunamis are responsible for most of the tsunami deaths in Alaska because they allow virtually no warning time.

There is some historical evidence of a landslide generated tsunami impacting the Homer area when a large landslide near the Grewingk Glacier across from Homer impacted the glacier lake sending large quantities of water across Kachemak Bay.

Tsunamis generated by landslides in lakes occur more in Alaska than any other part of the U.S. They are associated with the collapse of deltas in glacial lakes having great depths. They may also be associated with delta deposits from rapidly flowing streams and rivers carrying glacial debris.

Historical Tsunamis

1964 Earthquake Tsunami

The 1964 earthquake triggered several tsunamis, one major tectonic tsunami and about 20 local submarine and sub aerial landslide tsunamis. The major tsunami hit between 20 and 45 minutes after the earthquake. The locally generated tsunamis struck between two and five minutes after being created and caused most of the deaths and damage. Tsunamis caused more than 90% of the deaths – 106 Alaskans and 16 Californian and Oregonian residents were killed.

Extent

Based on tsunami inundation mapping (Figure 7), very limited areas of the Homer coast line would be potentially damaged by tsunami, with no critical infrastructure immediately threatened.

Impact

The impact to Homer proper would be “Negligible” with less than 10 percent severely damaged property. However, the Homer spit may experience “Catastrophic” damage, with more than 50% severely damaged property and many serious injuries (Table 2).

Probability

Referencing the local earthquake history and Table 1, it is “Credible” an earthquake generated tsunami could impact the Homer community.

Probability	Impact	Warning Time	Duration	Calculated Risk
2 x .45	1 x .30	4 x .15	1 x .10	1.9



I. Volcanoes

Alaska is home to over 50 active volcanoes stretching across the entire southern portion of the State from the Wrangell Mountains to the far Western Aleutians. An average of 1-2 eruptions per year occurs in Alaska. In 1912, the largest eruption of the 20th century occurred at Novarupta and Mount Katmai, located in what is now Katmai National Park and Preserve on the Alaska Peninsula.

Homer has been impacted by volcanic ash events, Mt. Spurr in 1992, Mt. Augustine in 1986 and Mt. Redoubt in 1989-90.

Volcanic Hazards

As stated, other than the disruption of air traffic into and out of Alaska, the only danger from Cook Inlet Volcano in Homer is ash fall.

Volcanic Ash

Volcanic ash is fine fragments of solidified lava ejected into the air by an explosion or rising hot air. The fragments range in size, with the larger falling nearer the source. Ash is a problem because the weight of the ash can cause structural collapses. Further away, the primary hazard to humans is decreased visibility and inhaling the fine ash. Ash will also interfere with the operation of mechanical equipment including aircraft. In Alaska, this is a



major problem as many of the major flight routes are near historically active volcanoes. Ash accumulation may also interfere with the distribution of electricity due to shorting of transformers and other electrically components (ash can conduct electricity).

Historic Volcanic Activity

The largest volcanic eruption of the 20th century occurred at Novarupta Volcano in June 1912. Ash fell on Kodiak, darkening the city. It became hard to breathe because of the ash and sulfur dioxide gas. The water became undrinkable and unable to support aquatic life. Roofs collapsed under the weight of the ash. Some buildings were destroyed by ash avalanches while others burned being struck by lightning from the ash cloud. Similar conditions could be found all over the area. Some villages ended up being abandoned, including Katmai and Savonoski villages. The ash acid rain also negatively affected animal and plant life. Large animals were blinded and many starved because their food was eliminated.

Figure 8 shows ash fall from this eruption was significantly greater than the recent eruptions of Redoubt, Spurr and Augustine Volcanoes. Fourteen earthquakes of magnitude 6 to 7 were associated with this event. At least 10 Alaskan volcanoes are capable of this type of event.

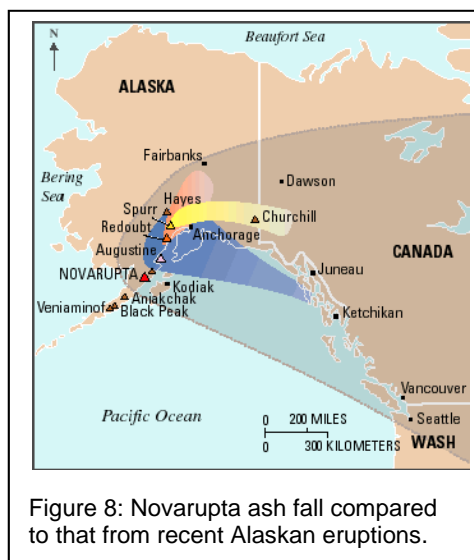


Figure 8: Novarupta ash fall compared to that from recent Alaskan eruptions.

after
and
life.

Hazard Identification and Assessment

The responsibility for hazard identification and assessment for the active volcanic centers of Alaska falls to the Alaska Volcano Observatory (AVO) and its constituent organizations (USGS, DNR/DGGS, and UAF/GI). The AVO publishes a report that describes volcanic history and the hazards they pose and the likely effects of future eruptions on populations, facilities, and ecosystems.

AVO has the primary responsibility to monitor all of Alaska's potentially active volcanoes and to issue timely warnings of activity to authorities and the public. During episodes of volcanic unrest or eruption, AVO is also the agency responsible for characterizing the immediate hazards and describing likely scenarios for an evolving volcanic crisis. AVO uses a 4-color Level of Concern Color Code to succinctly portray its interpretations of the state of activity and likely course of unrest at a given volcano.

Basic information about vulnerable assets and populations are identified in these assessments. However, Department of Commerce, Community and Economic Development (DCCED) and other State agencies could work with AVO map data to integrate quantitative, current information regarding communities and other at-risk elements to improve our analysis of vulnerability.

Extent

The entire Kenai Peninsula is subject to volcanic ash fallout. Referencing Figure 9, there are three active volcanoes within 150 miles of the City of Homer.

Impact

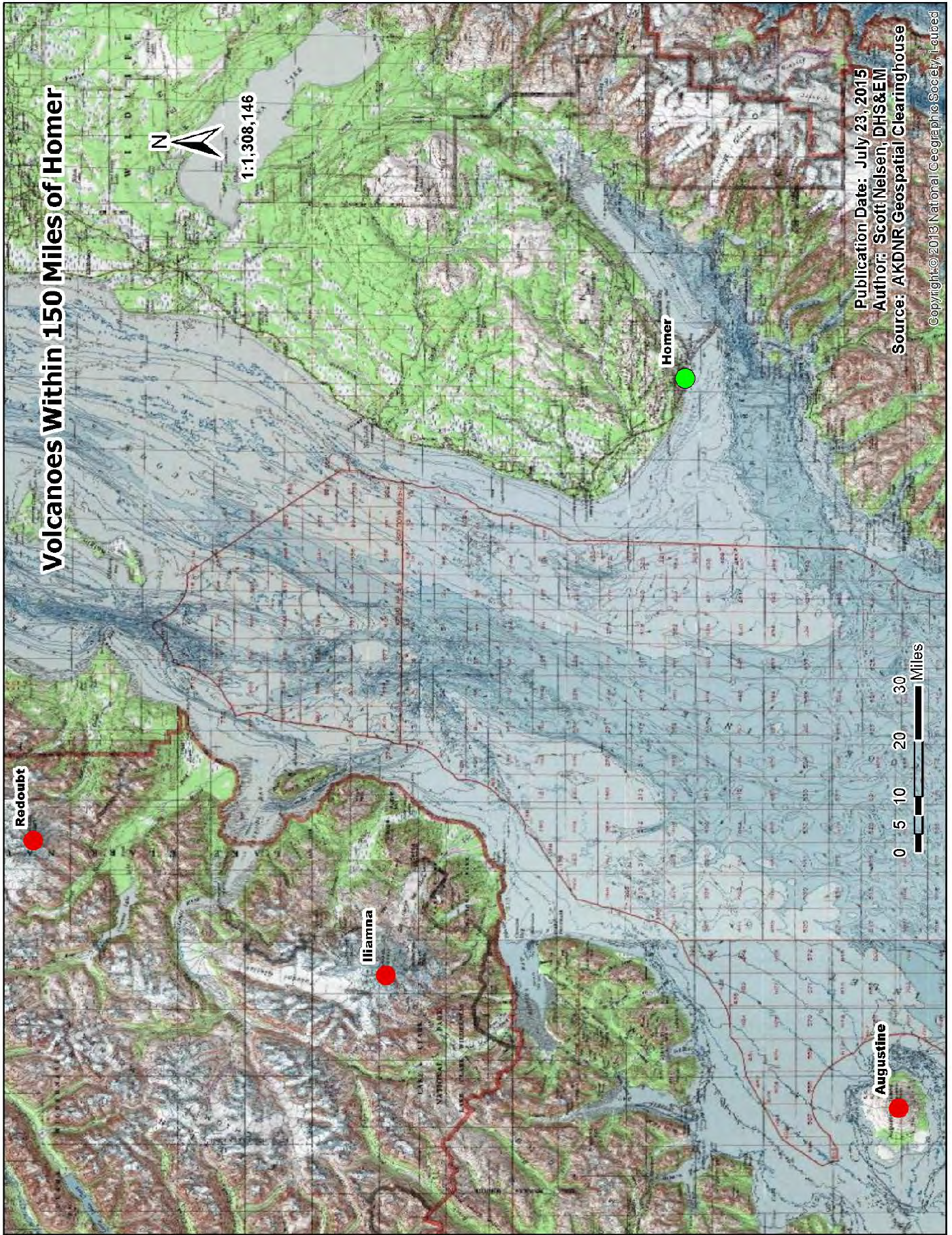
Volcanic ash is a public health hazard. Therefore, volcanic eruptions may require the greater Homer area to evacuate. The total impact would be “Negligible”, with minor injuries treatable with first aid, shutdown of critical facilities and services for 24 hours or less, and less than 10 percent severely damaged property.

Probability

Referencing the local volcanic eruption history and Table 1, it is “Credible” an ash fallout event could impact the Homer community.

Probability	Impact	Warning Time	Duration	Calculated Risk
2 x .45	1 x .30	1 x .15	4 x .10	1.75

Volcanoes Within 150 Miles of Homer



Publication Date: July 23, 2015
Author: Scott Nelsen, DHS&EM
Source: AKDNR Geospatial Clearinghouse
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J. Man-Made/Technological Disasters

The potential for man-made or technological disasters, while less than for natural disaster, for Homer is none-the-less of increasing potential, especially as the population grows more dependent on technology in daily activities. Man-made disasters include, but are not limited to:

1. **Hazardous Material Incidents.** Hazardous Materials are routinely transported across the Kenai Peninsula by ship, barge, vehicle, and rail (only on the Eastern Kenai Peninsula). Quantities of hazardous materials primarily include fuels and gases for local use and distribution, but also occasionally include explosives for shipment out of the Port of Homer, or other materials being shipped overseas. Hazardous materials are stored in terminals, when present for distribution, or in processing facilities for use locally (ammonia used in the ice houses). Hazardous materials are used every day across the entire Kenai Peninsula, including households and pose little danger unless released by spill or accident. As the ability to control hazardous materials is limited throughout the entire Kenai Peninsula (no Level A response team), we must rely on the State of Alaska Hazardous Materials Response Team from Anchorage to respond to local events requiring technician level support. Local responders are trained and certified for initial response at the Operations Level only. There is a Hazardous Materials Decontamination Trailer, provided by the Kenai Peninsula Borough, available locally through the fire department.
2. **Radiological Incident.** A radiological incident is one in which potentially dangerous radioactive materials have been released, either accidentally, or on purpose. The release may be in the form of a cloud or plume that could affect the health and safety of anyone in its path. Radiological materials are used in healthcare settings and in industrial applications for materials testing purposes. Though limited in use in Homer, these materials could still be found in incidental use, or be used in the creation of a so called “Dirty” bomb.
3. **Bombings.** Bombings are the purposeful detonation of explosive materials for criminal purposes, including terrorism. Even the threat of a bomb can disrupt businesses and schools as they are required to evacuate. Various types of explosive devices can be easily manufactured through instructions readily available on the internet.
4. **Civil Disturbance.** In most instances, civil disturbances are peaceful but may require some response. In some cases, civil disturbances can escalate to rioting and looting, resulting in property damage, injury and loss of life.
5. **Power Failure.** A power failure can be isolated to a specific critical business, or wide-spread. While power can fail due to many natural causes, human error is often attributed to this disaster. Loss of power, for any reason, can disrupt commerce, and be life-threatening.

Chapter IV– Risk Analysis

A risk analysis is divided into six steps:

- 4.1. Asset Inventory
- 4.2. Risk Analysis Methodology
- 4.3. Data Limitations
- 4.4. Risk Assessment Summaries
- 4.5. NFIP and Repetitive Loss Properties
- 4.6. Land Use and Development Trends

Asset Inventory

Population

Population data for Homer was obtained from the 2010 U.S. Census and the State of Alaska Department of Labor (AKDOL) 2014 Certified Figures. The U.S. Census compares Homer’s population for 2010 and 2013. (Table 4-1).

Table 4-1 Estimated Population and Housing Inventory

Population		Residential Buildings	
2010 Census	AKDOL 2013	Total Building Count	Total Value of Buildings
5,020	5,100	2,692	\$706,380,800

Source: U.S. Census 2010, listed the median housing value at \$262,400.

Estimated replacement values for residential structures were obtained from the 2010 U.S. Census, (Table 4-1). A total of 2,692 single-family residential buildings were considered in this analysis. The value was determined using the median value provided by the U.S. Census. Table 4-1 does not include estimates for special materials, shipping, or labor.

Community Assets

Critical Facilities: Table 4-2 is a list of critical facilities in the City of Homer. Losing these facilities would seriously impact not only the quality of life in Homer but also the sustainability and survivability of Homer residents.

Table 4-2: Critical Facilities	Economy	Flood	Wild fire	Weather	Land slides	Erosion	Earthquake	Tsunami	Volcano	Manmade	Tech	Biologic
Airport	X		X	X			X		X	X	X	X
Banking	X			X			X		X	X	X	X
Churches	X			X			X		X	X	X	X
City Hall	X			X			X		X	X	X	X
Fire Dept.	X	X	X	X			X		X	X	X	X
Fuel System	X	X		X		X	X	X	X	X	X	X
Groceries	X	X		X			X		X	X	X	X
HEA	X	X	X	X	X	X	X	X	X	X	X	X
Landfill	X		X	X			X		X	X	X	X
Library	X			X			X		X	X	X	X
Police Dept	X			X			X		X	X	X	X
Port & Harbor	X	X		X		X	X	X	X	X	X	X
Post Office	X			X			X		X	X	X	X
Public Works	X	X	X	X	X	X	X	X	X	X	X	X
Reservoir		X	X	X	X	X	X		X	X	X	X
Roads		X	X	X	X	X	X	X	X	X	X	
Schools	X		X	X			X		X	X	X	X
Senior Ctr	X			X			X		X	X	X	X
Sewer System	X	X	X	X			X		X	X	X	X
SP Hospital	X	X		X	X		X		X	X	X	X
Telephone	X	X	X	X	X		X	X	X	X	X	X
Water System	X	X	X	X	X	X	X	X	X	X	X	X

4.3 Data Limitations: Vulnerability Overview: Reviewed every 5 years.

The entire City of Homer and the Kenai Peninsula experience floods, earthquakes, and wildfires. Any one of these hazards could impact any part of Homer or isolate it from the rest of the State.

Other hazards are tsunamis, landslides, and erosion. The “Homer bench” is created by bluffs, some steeper than others, but all bluffs have the potential to create landslides.

Table 4-3 Vulnerability Overview for Homer

Hazard	Percent of Geographic area	Percent of Population	Percent of Building Stock	Percent of Community Facilities and Utilities
Earthquake	100%	100%	100%	100%
Erosion	10%	10%	10%	5%
Flood	10%	10%	10%	10%
Landslides	10%	10%	10%	10%
Tsunami	10%	10%	5%	5%
Weather	100%	100%	100%	100%
Wildland Fire	100%	100%	100%	100%

Risk Analysis Methodology

The planning team referenced the State’s Critical Facility Inventory and local knowledge to inventory their critical facilities and evaluate their vulnerability to each hazard (Table 4-4).

Table 4-4 Critical Infrastructure in Alaska

Fire Stations	Airports	Cemeteries
Police Stations	Schools	Stores
Emergency Operations Centers	Telecommunications Structures & Facilities	Service Maintenance Facilities
Hospitals, Clinics, & Assisted Living Facilities	Satellite Facilities	Critical Bridges
Water & Waste Water Treatment Facilities	Public restrooms	Radio Transmission Facilities
Fuel Storage Facilities	Harbors / Docks / Ports	Reservoirs & Water Supply Lines
	Landfills & Incinerators	Community Freezer Facilities
	Power Generation Facilities	
	Oil & Gas Pipeline Structures & Facilities	

Table 4-4 Source: State of Alaska Hazard Mitigation Plan, 2013

Replacement structure and contents value estimates were provided by the U.S. Census and the planning team. They conducted an exposure analysis for each physical asset located within a

hazard area. A similar analysis was used to evaluate the proportion of the population at risk. However, the analysis simply represents the number of people at risk; no casualty estimates were prepared.

Data Limitations

The vulnerability estimates provided herein use the best data currently available, and are designed to approximate risk. Results are limited to the exposure of the built environment. It is beyond the scope of this Hazard Mitigation Plan to estimate the range of injuries, or the value of improvements and the contents. The Homer Spit is a classic example where a variety of land uses have evolved over time that include fish processing, the port and harbor, the marine highway terminal and fuel storage. Only the new Harbor Master Office is included in the Table 6 and 7. The Harbor Master Office is included in the category of “City Main Buildings.”

Facility Replacement Values

Tables 4-5 and Table 4-6 estimate the total replacement value of dwellings, critical facilities, and infrastructure. Structure values were obtained during the asset data inventory during the summer of 2015. The estimated structure and content values are grouped by HAZUS-MH occupancy classification (Table 4-6). HAZUS-MH is a geographic information system which models **Multi Hazards**: flooding, hurricanes, coastal surge and earthquakes. HAZUS also calculates the potential losses in terms of economic losses and structural damage.

Table 4-5 HAZUS Building Occupancy Classes

Occupancy Class	Description	Contents Value %
Residential		
Single Family Dwelling	House	50
Mobile Home	Mobile Home	50
Multi Family Dwelling	Apartment / Condominium	50
Temporary Lodging	Hotel / Motel / Hostel	50
Institutional Dormitory	Group Housing (military, college, jails)	50
Nursing Home	Nursing Home	50

Cont. Table 4-5 HAZUS Building Occupancy Classes

Commercial	Description	Content Value %
Retail Trade	Store	100
Wholesale Trade	Warehouse	100
Personal and Repair Services	Service Station / Shop	100
Professional / Technical Services	Offices	100
Banks	Banks	100
Hospital/Medical Office / Clinic	Medical Facilities	150
Hospital	Medical Facilities	150
Entertainment & Recreation	Restaurants / Bars	100
Theaters	Theaters	100
Industrial		
Heavy	Factory	150
Light	Factory	150
Construction	Office	100
Agriculture		
Agriculture	Agriculture	100
Religion / Non-Profit		
Church / Non-Profit	Church / Non-Profit	100
Government		
General Services	Office	100
Emergency Response	Police / Fire Station / EOC	150
Education		
Schools and University	K-12 and KPC	100

Table 4-6 Facility and Content Value Estimates

Type	Total Count	Estimated Value	HAZUS Contents Value (%) by Occupancy	Estimated Value of Contents
Residential	2692	\$706,380,800	50%	\$353,190,400
Hospital	1	\$49,000,000	150%	\$73,500,000
City Main Buildings	6	\$19,350,497	100%	\$19,350,497
Educational	5	\$80,657,700	50%	\$40,328,850
Natural Gas	94 miles	\$20,000,000	NA	NA
Homer Electric		\$2,663,028	\$22,681,363	\$25,344,391
Total	2704	\$875,388,997	NA	\$511,714,138

The facility values in tables 4-6 and 4-7 are not intended to be considered the actual total value of facilities in Homer. Due to the magnitude of the task of tabulating every discrete commercial, industrial, agricultural, religious, non-profit, governmental and educational facility these tables serve as a reference point for what the total value of Homer facilities might be.

The *Residential*, *City Main Buildings* and *Education* property values are based on the Kenai Peninsula Borough assessed values. The *City’s Main Buildings* include: City Hall, Police Station, Fire Hall, Library, Harbor and Public Works. The *Education* buildings include: Homer High, West Homer, Paul Banks Elementary, Homer Middle School and the Kachemak Bay Campus of Kenai Peninsula College. The *Natural Gas* and *Homer Electric* values were provided by the utilities companies. The *Natural Gas* estimate includes a 22.5 miles of an underground trunk line, 85 miles of distribution lines with approximately 1,400 new service lines. The *Homer Electric* values include the land, structures, substations, electrical facilities and their fleet. The *Hospital* value was provided by South Peninsula Hospital.

Other major facilities include, but are not limited to, Islands and Ocean Visitor Center, Pratt Museum, Safeway, Ulmer’s Drug and Hardware, Spenard Builders Supply, many medical and dental offices, retail stores, art galleries, gas stations, non-profit agencies, boat yards, and numerous other buildings. A realistic estimate of the actual functional value of facilities is much more than the total value indicated in Table 4-7.

The functional value is calculated by adding the structure value to the contents value. The functional value is the sum of structure and content value.

Table 4-7 Facility Functional Value Estimates

Type of Structure (Occupancy Class)	Total Count	Estimated Value of Infrastructure	Estimated Value of Contents	Functional Value
Residential	2692	\$706,380,800	\$353,190,400	\$1,059,571,200
Hospital	1	\$49,000,000	\$73,500,000	\$122,500,000
City Main Buildings	6	\$19,350,497	\$19,350,497	\$38,700,994
Educational	5	\$80,657,700	\$40,328,850	\$120,986,550
Natural Gas	94 miles	\$20,000,000	\$0	\$20,000,000
Homer Electric		\$2,663,028	\$22,681,363	\$25,344,391
Total	2704	\$878,052,025	\$509,051,110	\$1,387,103,135

4.4 Risk Assessment Summaries

Earthquake:

The City of Homer and surrounding area may experience mild to significant earthquake movement sufficient to damage infrastructure. Although all structures are exposed to earthquakes, buildings constructed of wood exhibit more flexibility than those composed of unreinforced masonry, (URM).

The entire population, residential structures and critical facilities are vulnerable to an earthquake. All 5,100 people in 2,692 residences plus the community facilities for a total functional value of \$1.317 Billion are all vulnerable. Table 4-7.

Erosion:

In 2004, the City contracted with the Kachemak Bay Research Reserve (KBRR) to conduct a coastal erosion study. KBRR acquired historical aerial photos, and drew a line at the top of the bluff for each photograph set. Then, the researchers calculated the average rate of erosion for each part of the Homer shoreline.

Parcels along the shoreline where the erosion rates are highest are certainly vulnerable especially when high tides and high winds coincided. In all, about 10% of the population is vulnerable to erosion, 261 residential structures are vulnerable. Table 4-3.

Flood: Parcels along the shoreline are certainly vulnerable to flooding, especially when weather conditions create high velocity wave, high tides and high winds. In all, about 10% of the population is vulnerable to flooding, 261 residential structures valued are vulnerable. Table 4-3.

Subsidence:

About 10 percent of Homer's population is vulnerable to subsidence. This represents 510 people, and 261 residential structures are vulnerable. Table 4-8.

Severe Weather:

The entire population of Homer, residential structures and community facilities are vulnerable to severe weather. The total functional value of the structures in Homer is \$1.317 Billion. Table 4-7.

Wildland Fire:

The entire population of Homer, residential structures and community facilities are vulnerable to wildland fires. The total functional value of the structures in Homer is represented on Table 4-7.

Economic and Development Trends

The City has several zoning districts ranging from Conservation to Commercial-Industrial zones. In 2003 the City received the right to regulate development in the Bridge Creek Watershed Protection District (BCWPD) which surrounds the City’s water supply. In 2010 the City adopted the 2008 Homer’s Comprehensive Plan which also includes the 2010 Homer Spit Comprehensive Plan.

To reduce the effects of fire hazards, all new and the remodel of existing commercial and commercial residential buildings must be certified by the State Fire Marshal Office per Homer City Code (HCC) 21.70. To reduce the effects of flood and tsunami hazards, all new projects in the Flood zone must be elevated one foot or more above the Base Flood Elevation (BFE), HCC 21.41. The chart below shows the building trends from 2010 to 2014.

Zoning Permits Analysis 2010-2014

Year	Residential Zoning Permits		Commercial Zoning Permits		Total
	New Construction	Additions/Remodels/Accessory	New Construction	Additions/Remodels/Accessory	
2010	26	16	3	1	46
2011	28	12	5	1	46
2012	23	14	1	4	42
2013	36	14	11	3	64
2014	37	10	10	5	62

Alaska Risk MAP Program

The City of Homer is a participant in the Risk MAP Study of the Homer Spit which includes:

- A detailed coastal flood hazard analysis including storm surge (coastal hydrology) and overland wave height analysis (coastal hydraulics) near Beluga Lake and Beluga Slough
- A regulatory Flood Insurance Study (FIS) Report document for the Community. A FIS contains flood information for a community and is developed in conjunction with the Flood Insurance Rate Maps (FIRM). The FIS, also known as a flood elevation study, frequently contains a narrative of the community’s flood history and explains the engineering methods used to develop the FIRM. The study also contains flood profiles for studied flooding sources and may be used to determine Base Flood Elevations for some areas.
- Preparation of a regulatory Flood Insurance Rate Map (FIRM) map for all panels within the Community which identifies the Community's flood zones, base flood elevations, and floodplain boundaries. This map is used to determine areas requiring flood insurance for properties with federally-backed mortgages.

Table 4-8 estimates damage values from the vulnerability assessment, and the population affected by each hazard.											
Hazard	Pop.	Residential Structures				Community Facilities				Total	
		No.	Structure Value	Contents Value	Functional Value	No.	Structure Value	Contents Value	Functional Value	No.	Functional Value
Earthquake	5100	2,692	\$706,380,800	\$353,190,400	\$1,059,571,200	72	\$135,256,597	\$149,343,646	\$284,600,243	2,764	\$1,344,171,443
Erosion	510	269	\$70,638,080	\$35,319,040	\$105,957,120	8	\$13,525,660	\$14,934,365	\$28,460,024	276	\$134,417,144
Flooding	510	269	\$70,638,080	\$35,319,040	\$105,957,120	8	\$13,525,660	\$14,934,365	\$28,460,024	276	\$134,417,144
Climate Change	510	269	\$70,638,080	\$35,319,040	\$105,957,120	8	\$13,525,660	\$14,934,365	\$28,460,024	276	\$134,417,144
Subsidence	510	269	\$70,638,080	\$35,319,040	\$105,957,120	8	\$13,525,660	\$14,934,365	\$28,460,024	276	\$134,417,144
Severe Weather	5100	2,692	\$706,380,800	\$353,190,400	\$1,059,571,200	72	\$135,256,597	\$149,343,646	\$284,600,243	2,764	\$1,344,171,443

V. City of Homer Mitigation Goals

The City of Homer All-Hazard Disaster Mitigation Planning Team identified 10 goals related to this revision of the plan. These far-reaching goals are based upon the current risk analysis conducted by the team and were determined to be achievable under certain conditions of staff and funding support over the next 3-5 years.

Table V-1 Mitigation Goals

No.	City of Homer Goal Description
1	Promote recognition and mitigation of all hazards that affect the City of Homer to all Extents Possible
2	Apply existing City Planning Department requirements and design mechanisms when appropriate to mitigation efforts.
3	Reduce the potential for loss from all hazards that may impact the City of Homer.
4	Reduce the city's vulnerability to potential damage due to flooding.
5	Reduce the possibility of damage and loss from wildland fires in the community.
6	Reduce the community's vulnerability to loss resulting from earthquake.
7	Reduce the potential for loss resulting from transmitted or local tsunami.
8	Reduce the potential for property loss and damage due to volcanic ash fall.
9	Reduce the potential for impact of a technological failure on city infrastructure and the community.
10	Reduce the potential damage to the community from a biological, chemical or other hazardous material.

The City of Homer did not previously use a City of Homer Mitigation Action Plan Matrix as in V-4. The mitigation action plan was reformatted in order to comply with FEMA Best Practices. The team reviewed the 2010 HMP and revised to reflect progress and changes in local mitigation efforts where it is most appropriate. The changes in priorities are noted in V-4 with particular items highlighted (grayed cells). Mitigation prioritization was completed based on a combination of historical knowledge of events over the previous 10 years, the likelihood of reoccurrence, and the limited expectation of financial aid and lack of local landowner support for acquiring flood prone, erosion prone or other vulnerable private property.

Projects Completed or Deleted from the 2010 Plan:

- A. Public Education Goals (Completed)
 - a. Projects completed and ongoing through continues public outreach.
- B. Tsunami Goals (Completed)
 - a. Objectives completed and ongoing
 - i. Maintaining Tsunami Ready Community Status/2017 submission of renewal
 - ii. Tsunami signage being maintained by Homer Public Works
 - iii. Zoning and Planning has updated flood mapping and has implemented action items identified in Plan
- C. Wildfire Goals
 - a. Defensible space projects are ongoing with some completed around the Homer Reservoir. (Completed)
 - b. All open burning within city limits requires permits year round (Completed)
 - c. Burn suspension and bans coordinated with the Division of Forestry (Completed)
 - d. Alternate means of disposal issues not address by city or borough (Deleted, no funding)

- D. Earthquake Goals
 - a. On-going through community outreach (Completed)
 - b. Other goals dropped for local introduction and enforcement/no capacity for regulation (Deleted)
- E. Flood Goals
 - a. Continued participation in National Flood Insurance Program (Completed)
 - b. Flood mapping/updating ongoing. (Completed)
 - c. Zoning requirements for flood prone areas incorporated into City Code (Completed)
- F. Volcanic Ash (Completed)
 - a. Continued through community education and outreach by public events and presentations
- G. Technological Hazards (Completed)
 - a. Continued through community education and outreach
- H. Biological/Chemical/Hazardous Materials (Completed)
 - a. Promote safe disposal of hazardous materials by posting borough drop-off dates at various facilities.
- I. Economic
 - a. Continued outreach to community for development of resiliency programs/education

Mitigation Actions for the City of Homer

A mitigation action is defined by FEMA as being “. . . a specific action, project, activity, or process taken to reduce or eliminate long-term risk to people and property from hazards and their impact”. The City of Homer has identified the following actions that may be incorporated across the entire risk analysis spectrum of potential community threats.

Table V-2 City of Homer Goals and Actions

No.	Goals Descriptions	ID	Action Descriptions
1	Promote the recognition and mitigation of all hazards that affect the City of Homer to all extents possible.	A	Conduct a biennial Public Disaster Preparedness Conference to provide information to the community about risks identified by the risk assessment for the City of Homer

		B	Produce or obtain and distribute information regarding local risks including preparedness and mitigation information in key city locations: City Hall, Fire Station, and Public Library.
		C	Maintain staff awareness and proficiency in identifying all-hazards risk and currency in mitigation practices by attending training when available.
		D	Seek public funding or available grants to finance public outreach campaigns.
2	Apply existing City Planning Department requirements and design mechanisms when appropriate to mitigation efforts.	A	Review all City Planning and Zoning policies and ordinances to determine when existing plan/policy may be applicable to mitigation efforts.
		B	Develop a "cross-walk" document that identifies planning efforts applicable to mitigation.
		C	Support staff efforts to incorporate an all-hazards mitigation approach to city planning efforts.
		D	Target areas of development in hazard prone areas such as the Homer Spit, and steep slopes to mitigate future loss due to coastal erosion, tsunami or landslide.
3	Reduce the potential for loss from all hazards that may impact the City of Homer.	A	Conduct a biennial Public Disaster Preparedness Conference to provide information to the community about risks identified by the risk assessment for the City of Homer
		B	Maintain contact with planning team members from the stakeholder community to retain established relationships and to foster new relationships when stakeholder representation changes.
4	Reduce the city's vulnerability to potential damage due to flooding events.	A	Maintain the city's participation in the NFIP
		B	Update the Flood Hazard Maps and complete mapping of the City's watershed and drainage patterns.

		C	Review flooding events to determine potential mitigation strategies to prevent repetitive losses.
		D	Manage development in flood hazard areas.
		E	Insure that flood reduction measures minimize the need for rescue and relief efforts associated with flooding.
		F	Insure that flood reduction methods are consistent with retaining natural flood functions.
		G	Acquire land in high-hazard areas, such as the Bridge Creek Watershed, Homer Spit and Kachemak Bay Shoreline to limit residential or commercial development in flood prone areas.
5	Reduce the possibility of damage and loss from wildland fires in the community.	A	Encourage property owners to create "defensible space" around their property to reduce wildfire propagation to buildings.
		B	Discourage homeowners and builders from using flammable products on the outside and roofs of structures located in the wildland interface zone.
		C	Control and direct open burning within the city limits of Homer by requiring year-round open burning permits.
		D	Establish alternative debris disposal methods to allow property owners to safely dispose of organic debris without burning.
		E	Prohibit open burning during high hazard weather conditions identified by the Division of Forestry or local forecasts.
		F	Develop wildfire fuel reduction projects identified in the Community Wildfire Protection Plan.
6	Reduce the community's vulnerability to loss resulting from earthquake.	A	Protect existing critical infrastructure from earthquake damage by promoting seismic retrofits.

		B	Promote the adoption of local seismic building codes based on national standards.
		C	Encourage property owners to conduct seismic mitigation upgrades on existing structures.
7	Reduce the potential for loss resulting from transmitted or local tsunami.	A	Maintain the community's participation in the Tsunami Ready program.
		B	Maintain adequate signage identifying evacuation routes from hazard areas.
		C	Encourage the City of Homer Planning Department to incorporate tsunami risk areas when granting land-use permits.
8	Reduce the potential for property loss and damage due to volcanic ash fall following an eruption.	A	Maintain public awareness regarding the risk of volcanic ash during an eruption.
		B	Advise the public to limit travel and to prevent damage to machinery during ash alerts.
		C	Reduce non-essential travel.
		D	Remove ash from roofs if level of fall poses a load hazard.
9	Reduce the potential for impact of a technological failure on city infrastructure and the community.	A	Encourage development of Continuity of Operations Planning (COOP) for all critical city functions.
		B	Encourage the private sector development of COOP.
10	Reduce the potential damage to the community from a biological, chemical, or other hazardous material.	A	Maintain the relationship between the city and the State Department of Health, Public Health Department to ensure the rapid deployment of vaccines and other medications during a pandemic or other health emergency.
		B	Monitor the storage of all hazardous materials identified by Tier II reporting to the City.
		C	Encourage the public to safely store, use and dispose of hazardous materials in the home.
		D	Advertise when the Kenai Peninsula Borough conducts hazardous materials collections throughout the year.

The City of Homer All-Hazard Disaster Mitigation Planning Team reviewed, evaluated and prioritized each mitigation goal based on the threat analysis for the jurisdiction during the review of the plan. The team compiled goals and potential actions based on a presumption of local, borough, state and federal support including but not limited to the: City of Homer, Kenai Peninsula Borough, State of Alaska Department of Transportation, Alaska Division of Homeland Security and Emergency Management, Alaska Division of Public Health, and U.S. Department of Homeland Security/FEMA Region X.

During the planning process the team reviewed the Simplified Social, Technical, Administrative, Political, Legal, Economic, and Environmental (STAPLEE) criteria in consideration of the development of these actions items related to mitigation. The planning team also considered common impediments to mitigation, the foremost of which is lack of available funding. Other impediments include denial of a potential problem in light of little historical record of catastrophic events locally; lack of political will to impose unfunded mandates on a local population; and simply lack of will to address a particular problem.

Table V-3 STAPLEE Evaluation Criteria for Mitigation Actions

Evaluation Category	Discussion of Important Points	Considerations
Social	The public support for the overall mitigation strategy and specific mitigation efforts	Community acceptance Adversely affects population
Technical	If the mitigation action is technically feasible and if it is a whole or partial solution	Technical feasibility Long-term solutions Secondary impacts
Administrative	If the community has the personnel and administrative capabilities necessary to implement the action or whether outside help will be necessary	Staffing Funding allocation Maintenance/operations
Political	What the community and its members feel about issues related to the environment, economic development, safety, and emergency management	Political support Local champion Public support
Legal	Whether the community has the legal authority to implement the action, or whether the community must pass new regulations/ordinances	Local, State, and Federal authority Potential legal challenges

<p>Economic</p>	<p>If the action can be funded with current or future internal and external sources, if the costs seem reasonable for the size of the project, and if enough information is available to complete a FEMA Benefit-Cost Analysis</p>	<p>Benefit/cost of action Contributes to other economic goals Outside funding required FEMA Cost/Benefit Analysis</p>
<p>Environmental</p>	<p>The impact of the environment because of public desire for a sustainable and environmentally healthy community</p>	<p>Effect of local ecosystems Consistent with community environmental goals Consistent with local, state and federal laws</p>

During the review of the Homer All-Hazard Disaster Mitigation Plan in 2015/2016 the Planning Team updated and prioritized each mitigation action that was selected to be included in the actionable items listed. The Planning Team reviewed the local history of identified hazards, the extent of the hazard and risk of low frequency hazards identified in the risk assessment. The probability of each identified hazard was rates high, medium or low. The highest priority was given to events with historical records of occurring or which have a moderate potential of occurring but a high potential for damage and loss of life. Medium priority was given to hazards the impact the community less frequently or that poses less risk to loss of life. Low priority events are those that have historically resulted in community impact to people or property.

Table V-4 City of Homer Mitigation Action Plan Matrix

Action ID	Description	Priority	Responsible Agency/Department(s)	Potential Funding	Time Frame	Action Item Status New (N), Carry-Over (C)	Feasibility
1A	Conduct biennial Public Disaster Preparedness Conference (Even year)	Medium	City of Homer, KPB- OEM, ADHSEM	Existing Fire Department Budget	Biennially	N	Very likely to continue, may require more advertising through community stakeholders
1B	Produce or obtain and distribute information regarding local risks including preparedness and mitigation information in key city locations (Objective A.1.1 in previous plan)	Medium	Fire Department, Library, City Hall, Port & Harbor	Existing Fire Department Budget	On-going, annually	C	Will require locations to monitor information and request additional when supply runs low
1C	Maintain staff awareness and proficiency in identifying all- hazards risk and currency in mitigation practices by attending training when available	High	City of Homer, KPB- OEM, ADHSEM	City of Homer, KPB OEM, ADHSEM, FEMA	1-4 years	N	Continued funding of courses through Homeland Security/EMI is necessary
1D	Seek public funding or available grants to finance public outreach campaigns	Medium	City of Homer	City of Homer, ADHSEM, FEMA	1-4 years	N	Homeland Security grants through ADHSEM are sometimes available to fund public information programs
2A	Review all City Planning and Zoning policies and ordinances to determine when existing plan/policy may be applicable to mitigation efforts (Objective B.3.1 in previous plan)	Medium	Planning Department, Fire Department	City of Homer	1-4 years	C	Will require staff time and access to applicable plan and policies
2B	Develop a "cross-walk" document that identifies planning efforts applicable to mitigation	Low	Planning Department, Fire Department	City of Homer	1-2 years	N	Will require staff time and access to applicable plan and policies

2C	Support staff efforts to incorporate an all-hazards mitigation approach to city planning efforts	Medium	Planning Department, Fire Department	City of Homer	1-5 years	N	This is a policy recommendation only
2D	Target areas of development in hazard prone areas such as the Homer Spit, and steep slopes to mitigate future loss due to coastal erosion, tsunami or landslide (Objective B.3.1 in previous plan)	Medium	Planning Department	City of Homer	1-5 years	C	This is an on-going process, along with flood plain management and steep slope development policies
3A	Conduct biennial Public Disaster Preparedness Conference	Medium	City of Homer, KPB- OEM, ADHSEM	City of Homer, KPB OEM, ADHSEM, FEMA	1-5 years	N	Very likely to continue, may require more advertising through community stakeholders
3B	Maintain contact with planning team members from the stakeholder community to retain established relationships and to foster new relationships when stakeholder representation changes	High	City of Homer	City of Homer	1-5 years	N	This is a necessary component of plan maintenance
4A	Maintain the city's participation in the NFIP (Objective E.1.1 in previous plan)	High	Planning Department	City of Homer	1-5 years	C	On-going since adoption
4B	Update the Flood Hazard Maps and complete mapping of the City's watershed and drainage patterns (Objective E.2.1 in previous plan)	High	Planning Department, FEMA	City of Homer	1-2 years	C	Currently all flood hazard mapping is being updated. Additional staff time will be required to complete watershed and drainage pattern mapping
4C	Review flooding events to determine potential mitigation strategies to prevent repetitive losses (Objective E.3 in previous plan)	Medium	Planning Department, Public Works, Fire Department	City of Homer	1-3 years	C	Will require additional staff time and commitment to accomplish

4D	Manage development in flood hazard areas (Objective E.4 in previous plan)	Medium	Planning Department	City of Homer	1-5 years	C	Continued development of planning and zoning policies in hazard areas is essential for this action to succeed
4E	Insure that flood reduction measures minimize the need for rescue and relief efforts associated with flooding (Objective E.4.2 in previous plan)	High (Medium)	Planning Department, Fire Department	City of Homer	1-3 years	C	Flood reduction efforts proposed by zoning and planning efforts should be reviewed by the emergency manager to ensure reduction of unintended consequences
4F	Insure that flood reduction methods are consistent with retaining natural flood functions	Low	Planning Department, Department of Natural Resources, Department of Environmental Conservation	City of Homer	1-5 years	N	Flooding is recognized as being a naturally occurring event that can result in positive outcomes, when property and live are not in jeopardy
4G	Acquire land in high-hazard areas, such as the Bridge Creek Watershed, Homer Spit and Kachemak Bay shoreline to limit residential or commercial development in flood prone areas	Medium	City of Homer, ADHSEM, FEMA	City of Homer, ADHSEM, FEMA	1-4 years	N	Possible funding through pre-disaster mitigation program funding. Assist in reducing repetitive loss from flood
5A	Encourage property owners to create "defensible space" around their properties to reduce wildfire propagation to buildings (Objective C.1.1 in previous plan)	High	City of Homer, KPBB- OEM	City of Homer	1-5 years	C	Continued support of programs such as "Firewise" have reduced the impact of wildfire on the community

5B	Discourage homeowners and builders from using flammable products on the outside and roofs of structures located in the wildland interface zone	Medium	Fire Department, Division of Forestry	City of Homer, Department of Natural Resources, ADHSEM	1-5 years	N	The most dangerous period of a wildland fire is when it is in close proximity to structures. Using less flammable products to side and roof building reduces the likelihood of fire spreading to these areas from a wildfire
5C	Control and direct open burning within the city limits of Homer by requiring year-round open burning permits (Objective C.2.1 in previous plan)	High	Fire Department	City of Homer	On-going, annually	C	Homer adopted year-round open burn permits to better control the use of open burning beyond that addressed by the Division of Forestry's seasonal permitting
5D	Establish alternative debris disposal methods to allow property owners to safely dispose of organic debris without burning (Objective C.3.1 in previous plan)	Medium (High)	Fire Department, KPB- OEM, Division of Forestry	City of Homer, Department of Natural Resources, ADHSEM	1-4 years	C	Homeowners require a method to easily and economically dispose of yard debris and slash without burning. Use of tub grinders, chippers etc. may reduce the reliance on open burning
5E	Prohibit open burning during high hazard weather conditions identified by the Division of Forestry or local forecasts (Objective C.4.1 in previous plan)	High	Fire Department, Division of Forestry	City of Homer	On-going, annually	C	Open burning restrictions have dramatically reduced the incidence of escaped burn piles in Homer

5F	Develop wildfire fuel reduction projects identified in the Community Wildfire Protection Plan (CWPP) (Objective C.5.1 in previous plan)	High	Fire Department, KPB- OEM, Division of Forestry	City of Homer Department of Natural Resources, ADHSEM	2-4 years	C	The CWFP is out of date and needs to be updated. The City of Homer has issued a letter of support for an area-wide grant to update the plans across the entire borough
6A	Protect existing critical infrastructure from earthquake damage by promoting seismic retrofits (Objective D.1 in previous plan)	Medium	City of Homer	City of Homer, FEMA	2-10 years	C	Critical infrastructure designed under less strict seismic protection methods may not be sufficiently protected from earthquake. The cost of engineering and installing seismic upgrades may be funded through mitigation grants
6B	Promote the adoption of local seismic building codes based on national standards (Objective D.2 in previous plan)	Low	City of Homer, State Fire Marshal's Office	City of Homer, State of Alaska	2-4 years	C	No residential building code is adopted statewide. Local jurisdictions may adopt a more strict code than the state. Homer is a non-deferred jurisdiction, meaning that it relies on the State Fire Marshal's office to conduct new building plan review and fire inspections

6C	Encourage property owners to conduct seismic mitigation upgrades on existing structures	Medium	City of Homer	City of Homer	1-4 years	N	Private structures may have been constructed without the consideration of earthquake. Private property owners should be encouraged to address the dangers of earthquake in their home and small businesses
7A	Maintain the community's participation in the Tsunami Ready program (Objective B.1 in previous plan)	High	City of Homer, National Weather Service	City of Homer, NOAA	1-4 years	C	Tsunami Ready designation indicates that the community is prepared to receive and disseminate hazard information to its residents through redundant methods when and if necessary
7B	Maintain adequate signage identifying evacuation routes from hazard areas (Objective B.2.1 in previous plan)	High	City of Homer, Department of Transportation, Public Works	City of Homer, ADHSEM	On-going, annually	C	Identification of evacuation routes is essential during a tsunami event. Signage is vandalized and stolen for various reasons and must be replaced when indicated
7C	Encourage the City of Homer Planning Department to incorporate tsunami risk areas when granting land-use permits (Objective B.3 in previous plan)	Medium	Planning Department	City of Homer	On-going, annually	C	Like flood plain management, construction and land use in tsunami prone areas needs to be regulated with loss reduction in mind

8A	Maintain public awareness regarding the risk of volcanic ash during an eruption	Medium	City of Homer, KPB- OEM, ADHSEM	City of Homer, KPB OEM, ADHSEM, FEMA	On-going, annually	N	Media releases prior to and during an eruption can adequately distribute critical information to the public during an event. Informational brochures should be available at key locations across the city
8B	Advise the public to limit travel and to prevent damage to machinery during ash alerts (Objective F.1.1 in previous plan)	Medium	City of Homer, KPB- OEM, ADHSEM	City of Homer, KPB OEM, ADHSEM, FEMA	On-going, annually	C	Individual mitigation is essential to limit the damage from ash following an eruption. Dissemination of critical information will be provided via available media
8C	Reduce non-essential travel	Medium	All	City of Homer	On-going, annually	N	Advise all non-essential travel be delayed until after the ash has been eliminated to reduce the impact to air quality and damage to vehicles
8D	Remove ash from roofs if level of fall poses a local hazard	Medium	All	City of Homer	On-going, annually	N	Disseminate information regarding risk of accumulated ash on roofs and buildings

9A	Encourage development of COOP for all city functions	Medium	City of Homer, ADHSEM, FEMA	City of Homer, ADHSEM, FEMA	On-going, annually	N	All city departments, essential to operations during a disaster or during recovery should have a COOP in place. Resources for COOP assistance are readily available on line
9B	Encourage private sector development of COOP	Medium	City of Homer, ADHSEM, FEMA	City of Homer, ADHSEM, FEMA	On-going, annually	N	Direct private sector to available resources for COOP development
10A	Maintain the relationship between the city and the State Department of Health, Public Health Department to ensure the rapid deployment of vaccines and other medications during a pandemic or other health emergency	High	City of Homer, Alaska Department of Health/Public Health	City of Homer, Alaska Department of Health/Public Health	On-going, annually	N	Existing relationships between the local public health office and the city are the result of cooperation during the H1N1 POD development and assisting with the Swine Flu vaccination program
10B	Monitor the storage of all hazardous materials identified by Tier II reporting to the city	Medium	City of Homer, KPB LEPC	City of Homer, KPB LEPC	On-going, annually	N	Locations that store reportable quantities of hazardous materials are required to report to the local jurisdiction each year. The Fire Department maintains these records. For locations outside the city the KPB OEM maintains those records

10C	Encourage the public to safely store, use, and dispose of hazardous materials in the home	High	City of Homer, DEC	City of Homer, DEC	On-going, annually	N	The KPB offers residents several opportunities each year to safely dispose of hazardous materials at collection point around the Borough. There is no cost to keep the public informed of these events to the city
10D	Advertise when the KPB conducts hazardous materials collections throughout the year	Medium	City of Homer, KPB OEM	City of Homer, KPB OEM	Quarterly	N	Disseminate information to the public when collection date are each quarter

Works Cited

South Peninsula Hospital. *Rock and a Hard Plan: After-Action Report/Improvement Plan*, 2015

FEMA. *Community Rating System (CRS)*, 2013.

Foster, Rick A. *Erosion Responses for Property Owners*. Kachemak Bay Research Reserve Coastal Training Program, 2006.

FEMA. *Higher Regulatory Standards*, 2006.

Scheer, David, and Allegra Bukojemsky. *Landscape Suitability Map*. Rep. Homer: Homer Soil and Water Conservation District, 2008.

Smith, Orson P. *Coastal Erosion Responses for Alaska*. University of Alaska Fairbanks: Alaska Sea Grant College Program, 2006.

44 waters and routinely undertake research and monitoring projects to provide a better
45 understanding of our fauna (including bird populations and habitat) and flora, including:

- 46 • The Kachemak Heritage Land Trust
- 47 • Kachemak Bay State Park managed by the Alaska Division of Parks and Outdoor
48 Recreation
- 49 • Kachemak Bay and Anchor River/Fritz Creek Critical Habitat Areas managed by
50 the Alaska Department of Fish and Game
- 51 • Alaska Maritime National Wildlife Refuge with its Islands and Ocean Visitor
52 Center, managed by the U.S. Fish and Wildlife Service
- 53 • Kachemak Bay National Estuarine Research Reserve; and

54

55 WHEREAS, Homer provides exceptional opportunity for local and visiting students to
56 experience nature education and citizen science projects offered by;

- 57 • Center for Alaskan Coastal Studies
- 58 • Cook Inlet Keeper
- 59 • Discovery Labs by Kachemak Bay National Estuarine Research Reserve
- 60 • Pratt Museum; and

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62 WHEREAS, Homer is homeport for the M/V Tiglax, the primary research vessel for the
63 Alaska Maritime National Wildlife Refuge; and

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65 WHEREAS, Homer has the Kachemak Bay Campus of the University of Alaska Anchorage
66 which provides classes and student research opportunities related to birds and other local
67 fauna and flora; and

68

69 WHEREAS, Homer is the home of Kachemak Bay Birders, a very active local organization
70 that promotes the enjoyment and protection of Kachemak Bay native birds and their habitat
71 through citizen science, field trips, education and stewardship. Kachemak Bay Birders
72 sponsors the Kachemak Bay Shorebird Monitoring Project that collaborates internationally
73 with shorebird biologists; and

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75 WHEREAS, Homer is the home of Kachemak Crane Watch, a citizens' organization
76 whose goal is to study, foster and protect the local Sandhill Crane population; and

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78 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
79 recognizes 2018 as "The Year of the Bird", and thereby encourages its citizens to continue
80 making Homer and the Kachemak Bay area a bird-friendly place to live and visit.

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82 PASSED AND ADOPTED by the Homer City Council this 12 day of February, 2018.

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CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS



City of Homer

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MEMORANDUM 18-021

TO: MAYOR ZAK AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: FEBRUARY 5, 2018
SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE MARINE COMMERCIAL DISTRICT.

The City Council received a memo from the Cannabis Advisory Committee requesting additional consideration for the approval Cannabis businesses on the spit. The memo was presented for review at the September 11, 2017 Council meeting. I attended the Port and Harbor meeting of October 10, 2017 and received a recommendation from the commission in support of the zoning allowance for marijuana retail businesses on privately owned lots on the spit. The Planning Commission held public hearings on December 6, 2017 and January 17, 2018 for the allowance of retail marijuana businesses in the Marine Commercial District.

After receiving public testimony, the Commission voted 5-1 in support of recommending the draft ordinance for adoption by the City Council.

Planning Commission Recommendation:

Adopt Draft Ordinance adding marijuana retail facilities in the Marine Commercial District.

Att.

Draft Ordinance

Memorandum 17-07

Staff report PL 17-91 and attachments including; Memorandum from CAC, Memorandum to Port and Harbor Commission, dated 10.10.17, and corresponding Planning and Port and Harbor Commission minutes with written correspondence, and previous documents containing consideration of zoning for marijuana businesses on the spit.

CITY OF HOMER
HOMER, ALASKA

Sponsor/
Cannabis Advisory Commission

ORDINANCE 18-___

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND
STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE
MARINE COMMERCIAL DISTRICT.

WHEREAS, it is in the City's best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; and

WHEREAS, the City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.28 is amended as follows:

Section 21.28.020 Permitted uses and structures.

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

a. Offices for tourism-related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours;

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

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

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

45
46 d. Business offices for water-dependent and water-related activities such as fish
47 brokers, off-shore oil and gas service companies, and stevedores;

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

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53 f. Mobile food services;

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

57
58 h. Recreational vehicle parks, provided they shall conform to the standards in
59 Chapter 21.54 HCC;

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61 i. Restaurants;

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63 j. Cold storage facilities;

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65 k. Campgrounds;

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

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69 m. Parks;

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71 n. Boat launching or moorage facilities, marinas;

72
73 o. Caretaker, business owner or employee housing as an accessory use to a
74 primary use, and limited to no more than 50 percent of the floor area of a building and for
75 use by an occupant for more than 30 consecutive days;

76
77 p. Lodging as an accessory use, limited to no more than 50 percent of the floor
78 area of a building;

79
80 q. As an accessory use, one small wind energy system per lot;

81
82 **r. Marijuana retail facilities as defined by state law.**

83
84 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

85
86 Section 3. This ordinance is of a permanent and general character and shall be included in
87 the City code.

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ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____
day of _____ 2018.

CITY OF HOMER

BRYAN ZAC, MAYOR

ATTEST:

MELISSA JACOBSON, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

First Reading:
Public Reading:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Kate Koester, City Manager

City Attorney

Date: _____

Date: _____

REPORTS

A. Staff Report 18-05, City Planner's report

City Planner Abboud reviewed the staff report. He requested volunteers for the City Council meetings.

Commissioners volunteered as follows:

February 12, 2018	Commissioner Bernard
February 26, 2018	Commissioner Stead
March 12, 2018	Commissioner Bernard
March 27, 2018	Commissioner Venuti

PUBLIC HEARINGS

A. Staff Report 17-91, Ordinance to add Retail Marijuana Facilities as a permitted use in the Marine Commercial District under Homer City Code 21.28.020

City Planner Abboud reviewed his report for the commission summarizing previous actions.

Chair Stead opened the public hearing seeing no one coming forward to testify Chair Stead closed the public hearing.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT 17-91 AN ORDINANCE TO ADD RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020 AND FORWARD TO CITY COUNCIL FOR APPROVAL.

Discussion ensued on the legality of marijuana at the federal level as it affects mariners and associated activities; allowing an additional retail business to be in a previously permitted retail zone; legality at the state level; Port & Harbor Advisory Commission support for the zoning change; prohibiting the action based solely on the commodity for sale; the sale of marijuana does not lend to the marine atmosphere but falls along the lines of recreational and could be categorized with the sale of alcohol; level of interest from private land owners on the spit to establish a business; ability of future property owners to establish a business in the marijuana industry; written public comment was acknowledged as well as the many opportunities for public testimony.

VOTE. YES. BANKS, VENUTI, STEAD, BERNARD, BOS
VOTE. NO. HIGHLAND.

Motion carried.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report 17-90, City Planner's report

City Planner Abboud reviewed the staff report. He requested volunteers for the January 8, 2018 Council meeting.

It was agreed by consensus that a volunteer could be solicited at the next commission meeting.

PUBLIC HEARINGS

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

A. Staff Report 17-91, Ordinance to Add Retail Marijuana Facilities as a permitted use in the Marine Commercial District under Homer City Code 21.28.020

City Planner Abboud stepped to the map displaying the areas on the Spit where this ordinance would be applied then reviewed the staff report.

Chair Stead opened the public hearing.


Don Tippy, city resident, commented he has managed a store on the spit for 2 years, that he receives numerous inquiries from visitors where they can find a dispensary, the city is in fact losing a lot of money. He reported that eleven times he was asked where a dispensary was this past summer and that they received 11 cruise ship visits.

Chair Stead closed the public hearing having no further testimony from the public present.

Staff did not have any comments or rebuttal. Chair Stead asked for questions from the commission.

A question and response period ensued between Commissioners and City Planner Abboud on the following:

- changes and considerations that may have come up since the first time this issue was brought before them;

- 
- 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 of Homer

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Planning

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(f) 907-235-3118

Staff Report PL 17-91

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 6, 2017
SUBJECT: Retail marijuana in the Marine Commercial District

Introduction

This subject is back to the Planning Commission after a request made by the Cannabis Advisory Commission (CAC) for the City Council to reconsider the decision to add a provision for retail marijuana operations in the Marine Commercial District.

Analysis

The Port and Harbor Commission reviewed the request and support the allowance of Retail Marijuana in the Marine Commercial District. I have provided backup of the discussion that lead to the negative recommendation for marijuana business on the spit last year. Basically, the votes were split on both the Planning Commission and City Council.

My review of any ordinance involving the addition of an activity to a district includes how the change is aligned with the purpose of the district and relevant information found in the comprehensive plan.

Marine Commercial District

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

A retail marijuana facility in this district does not necessarily enhance or support water-dependent use. The use would have to be found to fit into the 'tourism' aspect. Justifying this business in the Marine Commercial District depends on how the community feels that this activity supports tourism. I am sure that we will enter into a debate about how this use will benefit or harm existing businesses on the spit. I am providing the thought I have 'through the

planning lens', in the end, it is for the community to provide guidance and determine community standards.

The support for this activity seems to revolve around the concept that it should be allowed to prosper and contribute to the economic benefit of the city. Like most other retail business, retail marijuana is confined to business districts. Marijuana business in the Marine Commercial district is unique in that much of the land is owned by the city and leased. Attached is a map of the district indicating the private property that will likely be the only opportunity for the use, as the City has taken the position that we will not allow the operation of an activity that conflicts with federal law on City owned land.

Comprehensive Plan

In consideration of the Marine Commercial District and the Spit Plan, I am not finding any direct support. It may be found to be supported in aspects of the Economic Vitality Chapter. The benefits to the community are debatable. It would have to be construed to be an amenity that enhances the tourism industry such as the selling of arts and crafts or curios, currently permitted uses.

Staff Recommendation

Hold a public hearing, discuss the merits of the proposal and make recommendation to the City Council.

Attachments

Draft Ordinance
Memorandum PL 17-07
November 15, 2017 Marine Commercial Properties Map
August 28, 2017 Memo of the Cannabis Advisory Commission
October 10, 2017 Memo from the City Planner to Port and Harbor Commission
October 25, 2017 Port and Harbor Commission Meeting Minutes
September 6, 2017 Letter from Jeremiah Emmerson to City Council
January 25, 2016 City Council Minutes - Discussion of Retail Marijuana in Marine Commercial
January 14, 2016 Memorandum 16-017 from the City Planner to City Council
Nov. 4, Oct. 21, Oct. 7, 2015 HAPC Meeting Minutes
Public Comments

CITY OF HOMER
HOMER, ALASKA

Planning Commission

ORDINANCE 18-__

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND
STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE
MARINE COMMERCIAL DISTRICT.

WHEREAS, it is in the City's best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; and

WHEREAS, the City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.28 is amended as follows:

Section 21.28.020 Permitted uses and structures.

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

- a. Offices for tourism-related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours;
- b. Marine equipment sales, rentals, service, repair and storage;
- c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;

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

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

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

f. Mobile food services;

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

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

i. Restaurants;

j. Cold storage facilities;

k. Campgrounds;

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

m. Parks;

n. Boat launching or moorage facilities, marinas;

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

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

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

r. Marijuana retail facilities as defined by state law.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City code.

91 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____
92 day of _____ 2018.

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CITY OF HOMER

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BRYAN ZAC, MAYOR

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ATTEST:

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MELISSA JACOBSON, MMC, CITY CLERK

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103 AYES:

104 NOES:

105 ABSTAIN:

106 ABSENT:

107

108 First Reading:

109 Public Reading:

110 Second Reading:

111 Effective Date:

112

113 Reviewed and approved as to form:

114

115

Kate Koester, City Manager

117

118 Date: _____

City Attorney

Date: _____



City of Homer

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Planning

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Memorandum PL 17-07

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 28, 2017
SUBJECT: Planning Staff review of Retail Marijuana in the Marine Commercial District

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.

1. *Staff response:* This proposal to varying degrees supports the goals and objectives listed below.
 - a. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community.
 - b. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community, economic development strategies;
 1. #2, Encouraging the production or sales of goods and services to better serve the local economy.
 2. #3, Amend land use and taxation regulations to encourage production of custom or unique products to sell locally and outside the community; such as art, technology, or value added seafood products.
 3. #4, Encourage “import substitution;” i.e., leakage control by producing locally what is otherwise imported. An example is the local farmer’s market, which provides produce which would otherwise be trucked into the community with profits leaving the community
 - c. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 2, Encourage the creation of more year-round, higher wage jobs, implementation strategies;

- i. #3, Ensure that zoning and land use regulations do not unduly restrict entrepreneurial development and new business formation. Also ensure that the value of adjacent property is not degraded through noise, odor or similarly negative impacts.
- ii. #6, Promote and enable small-scale employers who may have different land use and infrastructure needs than one or two-person sole proprietorships.
- iii. #10 Establish and maintain consistent municipal standards and policies relating to the establishment and/or expansion of business activities on private and municipal lands.
- iv. #13 Examine and replicate appropriate regional successes.

B. Will be reasonable to implement and enforce.

Staff response: Working in conjunction with state officials in the highly regulated industry, the addition of the use will be reasonable to implement and enforce.

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

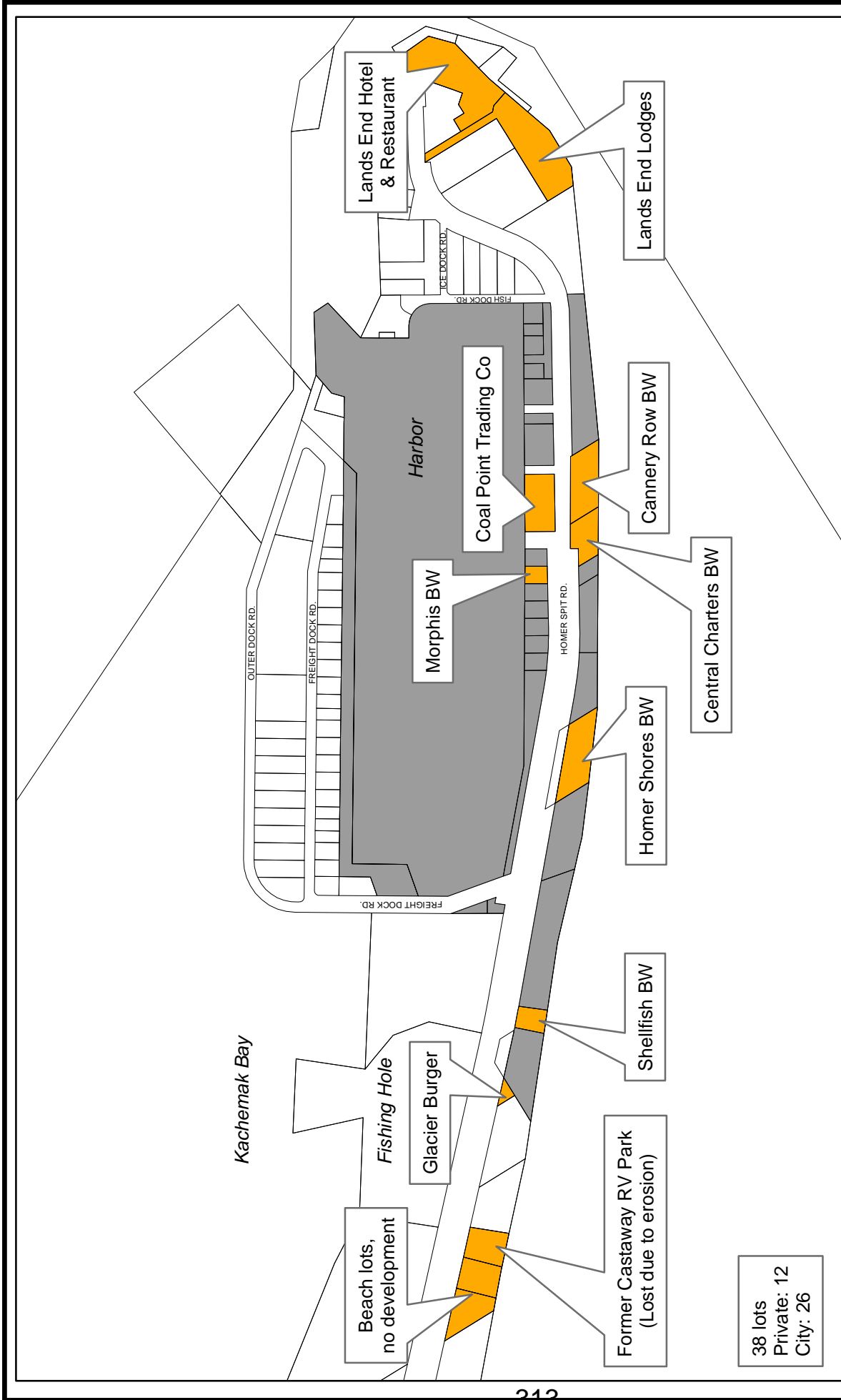
Staff response: This amendment promotes health, safety and welfare by locating the industry in a commercial area that is regulated in order to limit incompatible uses.

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.



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

Legend

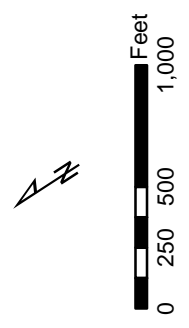
Owner

- Private
- City

38 lots
 Private: 12
 City: 26

Marine Commercial Properties on the Homer Spit

November 15, 2017



City of Homer
 Planning and Zoning Department



City of Homer

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Office of the City Clerk

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MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK
FROM: CANNABIS ADVISORY COMMISSION
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: AUGUST 28, 2017
SUBJECT: RECOMMENDATION TO AMEND ZONING ON THE HOMER SPIT TO ALLOW CANNABIS

At the regular meeting of the Cannabis Advisory Board the following recommendation was discussed and passed regarding forwarding a request to Council to consider amending the zoning on the Homer Spit to allow commercial cannabis. Following is the excerpt from the minutes of that meeting reflecting the discussion and subsequent motion:

NEW BUSINESS

B. Cannabis on the Spit – Recommendation to Council to Amend the Regulations to allow Cannabis Operations on the Spit

City Planner Abboud briefly clarified that the memorandum in the packet was referring to city owned land when saying that the city would not approve cannabis related businesses and that was advice received from the City Attorney. Private owners are allowed.

Additional discussion on the lack of support from the current City Council a recommendation to reconsider zoning for cannabis on the spit might receive and the responsibility and job of this commission ensued.

HARRIS/LEWIS - MOVED TO FORWARD A RECOMMENDATION IN SUPPORT OF CANNABIS BUSINESSES ON THE SPIT AND THAT CITY COUNCIL REVIEW HOMER CITY CODE TOWARDS THAT GOAL.

Discussion ensued on reasons for prohibiting businesses on the spit, it is not the City's responsibility to govern how, when or what the public does with the merchandise as long as it was purchased legally; it was noted that the US Coast Guard still enforces the regulations against marijuana on vessels and if there was a business in town a passenger could purchase it there and they would have no control over what happened after that it was further noted that there were private property owners on the spit that were interested but were unable to have commercial cannabis since it is not zoned.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



Memorandum

TO: PORT AND HARBOR COMMISSION

FROM: RICK ABOUD, CITY PLANNER

DATE: October 10, 2017

SUBJECT: Retail sales of marijuana in the Marine Commercial District

At the August 28th meeting of the Cannabis Advisory Commission a motion was made for the City Council to support an allowance for marijuana businesses to be located in the Marine Commercial District.

The Planning Commission last had a discussion about the allowance of retail marijuana facilities in the Marine Commercial District in November of 2015. Several members of the public, including the owners of a boardwalk, testified against the provision. The motion for allowing the activity failed for lack of a majority, ending in a 3-3 vote.

At this time, the city has been advised against supporting marijuana businesses on city property in order to not aggravate the city's relationship with the federal government. Practically, this activity would be a consideration for only privately owned property at this time, although the provision would comprise the entire Marine Commercial District.

In consideration of the purpose of the Marine Commercial District, I believe it would be best to only consider a provision for the retail sales as manufacturing, testing, and cultivation is best addressed in districts where there is not so much emphasis on water dependent activities.

The Port and Harbor Commission is asked whether or not it supports retail marijuana businesses in the Marine Commercial District. The recommendation will be forwarded to the Planning Commission and then the City Council for consideration.

Att.

CC Memo from CAC

- Stall Retention is higher than previous years and the Harbor desperately needs new stalls to lower the stall retention.
- Fished the LED project with Puffin Electric and have seen some good results
- Small Boat Harbor Potable Water , Fish cleaning Stations, and the ECO barge have all been shut down and winterized
- The Deep water Dock inside berth fender attachment points are breaking off. Repairs are being made, but some bigger repairs will need to be made in the near future to keep this from happening.
- AAHPA has two Resolutions that they would like the City of Homer to Support.
- Harbor Facility Grant Program was used to replace the Floats in the City of Homer Harbor. This is the only funding that the State provides that goes directly to the Harbor.
- Agenda was included for the AAHPA Conference in Petersburg, Alaska

Harbor Master Hawkins stated that if anyone has questions about the AAHPA Conference or the Agenda to contact him at a later time to discuss it.

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

- A. Marijuana Zoning on the Spit
- I. Memo from Planning Commission To Port and Harbor Advisory Commission Re: Retail of marijuana in the Marine Commercial District
 - II. Memo from the Cannabis Advisory Commission to City Council Re: Recommendation to Amend Zoning on the Homer Spit to Allow Cannabis

Commissioner Zimmerman stated that in the past the Port and Harbor Commission had made a recommendation to City Council to allow marijuana on the Spit. However, he could not recall that the recommendation went forward to City Council and asked if anyone on the Commission remembered if the recommendation was heard. Harbor Master Hawkins replied that he believe the recommendation did go before City Council and that City Council voted against the Port and Harbors recommendation.

The Commission discussed the Memorandum from the City Planner and clarified that the recommendation would only be for privately owned property at this time.

Commissioner Zieset stated that since the Federal level has not yet recognized marijuana usage, that it may be wise for the City to restrict the use to privately owned property only.

Commissioner Hartley asked if the US Coast Guard still enforced the regulations against marijuana on vessels. Commissioner Stockburger clarified that the US Coast Guard, the FAA, and the DOT all enforce regulations against the use of marijuana in any kind of transportation.

STOCKBURGER/ ZIESET- MOVED TO FORWARD A RECCOMENDATION TO THE PLANNING COMMISSION AND TO CITY COUNCIL IN SUPPORT OF MARIJUANA RETAIL ON PRIVATELY OWNED SPIT PROPERTY.

Commissioner Zieset echoed his earlier comment. He believes it is wise to keep marijuana retail off of the City leased properties until there is a general idea of how everything will be run.

VOTE: 4 YES 0 NO. UNANIMOUS CONSENT.

Motion Carried

- B. Purchase of Lot 42 on Homer Spit
 - I. Memo from City Manager to Port and Harbor Commission Re: Purchase of Lot 42 on Homer Spit.
 - II. Draft Ordinance from City Manager Koester and Exhibit A map Overlay Sketch from TLO

Commissioner Stockburger asked Bryan how the City got into this mess with the Mental Health Land Trust to begin with.

Harbor Master Hawkins replied with a brief history between the Mental Health Land Trust and the City of Homer on Lot 42. In 1964 there was a different plat in place that was obliterated due to the 1964 Earthquake. The City re-platted that section of the Spit and gave notice to the State that the previous plat was void. Two years later the Borough became the Platting authority and also recognized the City's re-plat of the Spit. Now, the Mental Health Land Trust is stating that some of the previous plat still applies and was never voided. The City was served with a trespass notice, and since then has been in discussion with the Mental Health Land Trust. There was a special meeting held between the City of Homer and the Mental Health Land Trust with attorneys present, and the outcome was the compromise brought forth now. The City of Homer is not admitting that the Mental Health Land Trust owns Lot 42, but has taken the attorney's fees and everything else at risk into consideration. Ultimately, the City feels that buying Lot 42 would be the wisest and cheapest option moving forward.

The Commission clarified the property line of Lot 42 and had a small discussion about Mental Health Land Trust relinquishing their rights to the other Lots, along with the City purchasing Lot 42 for \$550,600.

Harbor Master Hawkins stated he looked at the business opportunity like this; "if I were looking back on this deal 10 years from now, would I see it as a bad deal?" He believes this deal is one that will benefit the City and the Harbor for years to come, so he doesn't think this is a "bad deal".

Commissioner Zimmerman expressed that his only issue with this deal is that the City is taking the money out of the General Fund, which in return the Harbor has to pay back plus interest. The City should pay for Lot 42 and not make the Harbor pay back interest, because it's in the best interest for the entire City, not just the Harbor.

Harbor Master Hawkins explained that this is the agreement that he and the City Manager has come up with, the other option would be for the Harbor to pay for the Lot out of their reserve fund, which they did not see feasible.

From: Jeremiah Emmerson
To: [Department Clerk](#)
Subject: Cannabis Advisory Commission Recommendations
Date: Wednesday, September 06, 2017 12:50:07 PM

City clerk,

Please send this to all council members or add this to the next agenda packet. Thank you.

--

Dear Council,

As you all are probably aware, the Cannabis Advisory Commission has made a recommendation to you to make a zoning change and allow cannabis retail establishments to operate on the spit.

I fully support their recommendation and believe it would be an acceptable way to bring more jobs and revenue to the City of Homer. It seems many always ask and consider, how do we bring jobs and new revenue to Homer?

First of all you need a retail outlet in town for this to happen. We have one retail license in limbo right now on Ocean Drive and my guess is they will be approved as this isn't their first rodeo with the state. This will be their second establishment.

I would have preferred that it be a Homer resident or local, but this will do for now and opens up the door for other local cultivators (such as myself) to have an incentive to start a cultivation and extraction facility. I know of several others who have expressed the same desire to go to a local outlet.

I do not want to license and then have to drive 2+ hours one way to deliver products. I would much rather retail at my local Homer retailer and service local residents within the legal market.

I know of at least 3 Homer locals who had plans to build a retail establishment on the spit last year before zoning pushed them out. Their plans were crushed by the council last year. One of them had to sell his building he had purchased to start a retail establishment. Others were simply hosed out of an opportunity that many in the rest of the state were able to take advantage of.

I've said it before and I will say it again; Homer is losing out on new revenues while other port cities, including Juneau, Sitka, and Valdez all have retail establishments and aren't having the issues that some folks predicted would happen.

I've heard just about every single concern folks have about spit retail and I will try to provide my opinion on the matter and hope that you will not only consider it, but actually listen..and do the right thing for Homer.

#1- Drugged Driving; You DO NOT have to approve licenses that have an onsite consumption endorsement. The city needs to be aware that they can reject these types of establishments. If

the city wanted to take a small step and just open spit retail up (with no onsite consumption) they can do so. If you do decide to go that route please consider that there will be people (tourists) smoking in their vehicles or hotels or on the beach as they may not have anywhere to go (except for their RV which would be acceptable and outside of a public place).

The city could do a conditional use permit for onsite consumption with stipulations that the establishment provide an operating plan that highlights HOW the establishment will take steps to keep people from leaving their establishment while stoned. If they can provide an acceptable plan and follow through with it, I don't see where there would be a problem.

#2- Cannabis on Boats or Planes; Cannabis is already on boats and planes and there has been 0 federal interference thus far. It flies in and out of Juneau and Sitka regularly. How else would these folks be able to move their product back and forth to the testing lab or to other establishments?

Every business also has their own policies and as an employee in the charter industry I can tell you that our business doesn't accept it on the boat and each time we brief our passengers we inform them that there is no tolerance for cannabis or other drugs on the boat and we have posted signs on the boat. From there, the customer makes their own choice and are liable to be kicked off the boat if they bring it on. This mostly has to do with the Coast Guard regulations and something already being dealt with.

#3- Law enforcement concerns; Mark Robl has made the statement that he is worried about second hand inhalation when entering a cannabis establishment with onsite consumption. These are actually valid concerns, however, it is much harder to obtain a contact high or test positive for cannabis from second hand smoke than most believe. Studies have been done to show that the likelihood of this occurring is low. If the police department wanted to purchase "gas masks" or filter masks that can filter out the smoke, that would be acceptable and an understandable expense.

I urge the city council to have an open mind about this issue. You told us that if the zoning was too strict you would loosen things up. Here is your opportunity to fix the wrongs of the past. There are more improvements to be made, however, this would be a big step and a boon to our economy and tourism offerings.

People have asked numerous times, where do I go to get it? We need to be able to answer that question and provide our guests with an outlet or they will spend their money in Anchorage, Kenai, or Sterling on the way in or out.

Warm Regards,

Jeremiah Emmerson

Memorandum 16-017 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-04 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

REYNOLDS/LEWIS - MOVED TO AMEND TO STRIKE SECOND READING ON FEBRUARY 8TH AND HAVE A PUBLIC HEARING ON FEBRUARY 8TH AND A SECOND PUBLIC HEARING AND FINAL READING ON FEBRUARY 22ND.

Mayor Wythe and Council expressed the need for an additional public hearing for people that are concerned or interested in the ordinance. Council may have changes to the ordinance also.

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

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND THE CENTRAL BUSINESS DISTRICT (CBD) WHICH IS CUP (CONDITIONAL USE PERMIT) ONLY TO HAVE IT TO WHERE IT IS PERMITTED OUTRIGHT.

The amendment would require complaints to be presented at the state level instead of litigation against the city.

Asked about the liability of the CUP process, City Attorney Wells advised the CUP process has criteria with substantially related terms and wiggle room that creates vulnerability for legal challenges. Communities are putting a moratorium on the CUP process while others are using CUPs. It comes with legal costs that cannot be predicted. We will have a better understanding once the industry gets going in communities that are using CUPs.

Councilmember Lewis reminded Council the City has had a lot of litigation on CUPs and zoning issues. He would just as soon pass that cost off to the State instead of us bearing that cost.

VOTE: (amendment) YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

Motion carried.

↓
Councilmember Van Dyke commented on Marine Commercial. The Homer Spit draws people from all over the state with families. There is the Homer Ice Rink, Nick Dudiak Fishing Lagoon, and parks and campgrounds up and down the Spit. Each one has tons of families and children. He would like to see no cannabis activity on the Spit.

VAN DYKE/SMITH– MOVED THAT MARINE COMMERCIAL BE A NO SALE ZONE.

Councilmember Lewis questioned the depiction of the Spit as a great, wholesome place with Salty Dawg Saloon, other bars and liquor stores, and five or six guys sitting out at night after a day’s charter pounding down beers. It’s not a good analogy to restrict the cannabis business there. On his visit to Denver he did not see derelicts hanging outside. There are laws on advertising.

Councilmember Smith asked what the economic benefit is that we are projecting versus the social costs.

Councilmember Lewis answered the problems are already there; we aren’t going to bring anything new. The product and alcohol are there and some will use both. Those that want to use one or the other will use one or the other. It will not create more smoking and driving. Those that are going to do it will regardless if it is legal or not.

Mayor Wythe commented the majority of properties on the Spit are City of Homer properties. In complying with the eight guiding principles to keep us out of the federal target zone, one of those is growing marijuana on public lands and the public safety and environmental dangers posed by marijuana production. Although there wouldn’t be marijuana growing on the Spit, people could not lease city properties to sell marijuana. We can start smaller and if it makes sense we can grow.

VOTE: (amendment) YES. ADERHOLD, ZAK, SMITH, VAN DYKE
VOTE: NO. REYNOLDS, LEWIS

Motion carried.

ZAK/VAN DYKE – MOVED TO AMEND TO MAKE THE HOMER SPIT A BUFFER ZONE.

City Planner Abboud advised no buffer is needed if Marine Commercial is a no sale zone. Adding a buffer to the Spit could be decided by the Planning Commission at a later date.

VOTE: (amendment) YES. VAN DYKE, ZAK, SMITH
VOTE: NO. REYNOLDS, ADERHOLD, LEWIS

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ADERHOLD/LEWIS - MOVED TO AMEND LINE 20 to CHANGE the WORD “MANUFACTURER” TO “MANUFACTURE.”

There was no discussion.



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 16-017

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
 THROUGH: KATIE KOESTER, CITY MANAGER
 FROM: RICK ABBOUD, CITY PLANNER
 DATE: JANUARY 14, 2016
 SUBJECT: DRAFT ORDINANCE PROPOSING TO ZONE MARIJUANA RELATED ACTIVITIES WITHIN THE CITY OF HOMER

The Planning Commission has been working on this item since August. It has been an agenda item at six meetings, two of which have been public hearings. This proposed ordinance deals specifically with zoning regulations for the four activities defined by the state: Cultivation; Limited (small - under 500 square feet) and Standard (large - more than 5000 square feet), Manufacturing, Retail, and Testing. The best way to express this is the table below and the map attached. At this point, there is no distinction for zoning purposes between limited and standard cultivation operations.

Our goal with this ordinance is to provide a place to start with the regulation of the industry and to have some options available prior to the date when the state is scheduled to accept applications, February 24th. This will allow the City Council to introduce and hold two public hearing prior to this date. The Planning Commission wants to allow the industry to start in a somewhat limited area until we gain more experience, with the thought it would be much easier to loosen rules in the future rather than try to ratchet it back later and leave nonconformities behind. If the Council recommends something that needs to be review by the Planning Commission, I recommend passing the parts of the ordinance that are acceptable to the Council, so that entrepreneurs have reasonable options to apply for a license February 24th. If no ordinance is adopted, commercial marijuana will be an unlisted use, meaning every application will be a conditional use with a fairly high threshold for approval. This is an unreasonable expectation.

It is important to consider the regulation that is proposed by the state when considering the regulations proposed by the city. We may not propose anything that is more liberal than what the state proposes. A brief summary of the state regulation is provided and attached is the regulation proposed at the time of this report.

A = Allowed (reviewed by the Planning Office). C = Conditional Use Permit needed (hearing before the Planning Commission required).

Table 1. Cannabis Activity by Zoning District

Activity	District					
	CBD	GC1	GC2	EEMU	MC	
Retail	C	A	A	A	C	
MFG	C	A	A	A		
Testing	A	A	A	A		
Cultivation						
small	C	A	A	A		
large	C	A	A	A		325

The Planning Commission also proposes some buffer distances in addition to the state provisions. These buffers are based on the federal governments' double penalty zone as defined in US Code. This includes 1000 feet buffers from the two colleges, the Alaska Bible Institute and the Kenai Peninsula College. 1000 feet buffers from Karen Hornaday, Jack Gist, Bayview, and Ben Walters Parks are also recommended. Another recommendation is a 200 foot buffer from the library. The language used by the state and the federal government does not describe a library, but after a request from the Library Advisory Board, the commission did recommend a 200 foot buffer. This buffer with the buffer extended from the college and consideration of the uses and ownership of nearby properties realistically ensures that operations will not be proposed anywhere in close proximity to the library. The combination of the library and college buffers, and existing land uses and land ownership (post office, banks) realistically ensures that operations will not be proposed anywhere close to the library.

You will surely be made aware of a petition that proposes that limited cultivation be allowed outright in the Rural Residential District and that marijuana activities be allowed outright in the Central Business District. Both of these subjects have been discussed at length by the Planning Commission. The commission believes that the limited cultivation in the Rural Residential District is too commercial to meet the purpose of the district. A limited cultivation operation is required by the state to have exterior lighting to facilitate surveillance (including within 20 feet of each entrance), a security alarm on all windows and doors, and continuous video monitoring. Approval for a commercial business from the Fire Marshal is required. All persons dealing with the product must have a marijuana handler permit. There must be a plan for odor control to ensure that it is not detectable off the premises. This is just a sampling of the many requirements of the state licensing requirements found in the final regulations through 12-1-15. Another concern about limited cultivation in the Rural Residential District is density. Because of the city regulations for lot size, many lots that have access to water and sewer are small. In any event, the commission would not entertain commercial activities on lots less than 20,000 square feet (about half an acre). In addition, there was discussion about the minimum distance between a commercial grow operation, and the adjoining property. In the end, commercial cultivation was not recommended for the district.

The Commission also thought that cannabis activities in the Central Business District would be best with additional review of the Planning Commission and an opportunity for neighbors to be noticed and participate in the hearing.

State of Alaska

While the City is looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements (Article 7) that apply to all of the activities along with more specific requirements that address each of the 4 individual licensing areas individually. One really needs to understand the state regulations to get an accurate picture of what these businesses may look like when approved. There are 127 pages that compose articles 1-9 of the proposed state regulations. I have highlighted some of these below, and draw particular attention to those that are a relevant consideration for zoning.

Many aspects of marijuana businesses are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site

- None of the product may be consumed in any licensed facility (with the exception of the newly proposed consumption component of the retail license-more rules to come)
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5 am and 8 am
- All business activities must be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances.
- Commercial grade locks will need to be installed.
- State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers such as:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

Other aspects of the industry not addressed

During our conversation with the commission we received testimony and talked about other aspects of the industry not related to zoning such as; public consumption, driving under the influence, and a host of other concerns related to consumption. These items are for the police. Another item that came up frequently is the cannabis club or cafe. I put this in two categories.

I consider the cannabis club as a fraternal organization of sorts. This is not open to the general public in the sense that you have to be a member to enter, think ELKs. In this case, I would treat this use as the 'run-of-the-mill' fraternal assembly. The fraternal assembly may do anything that is not against the law. If they break the law, it would be the business of law enforcement to address.

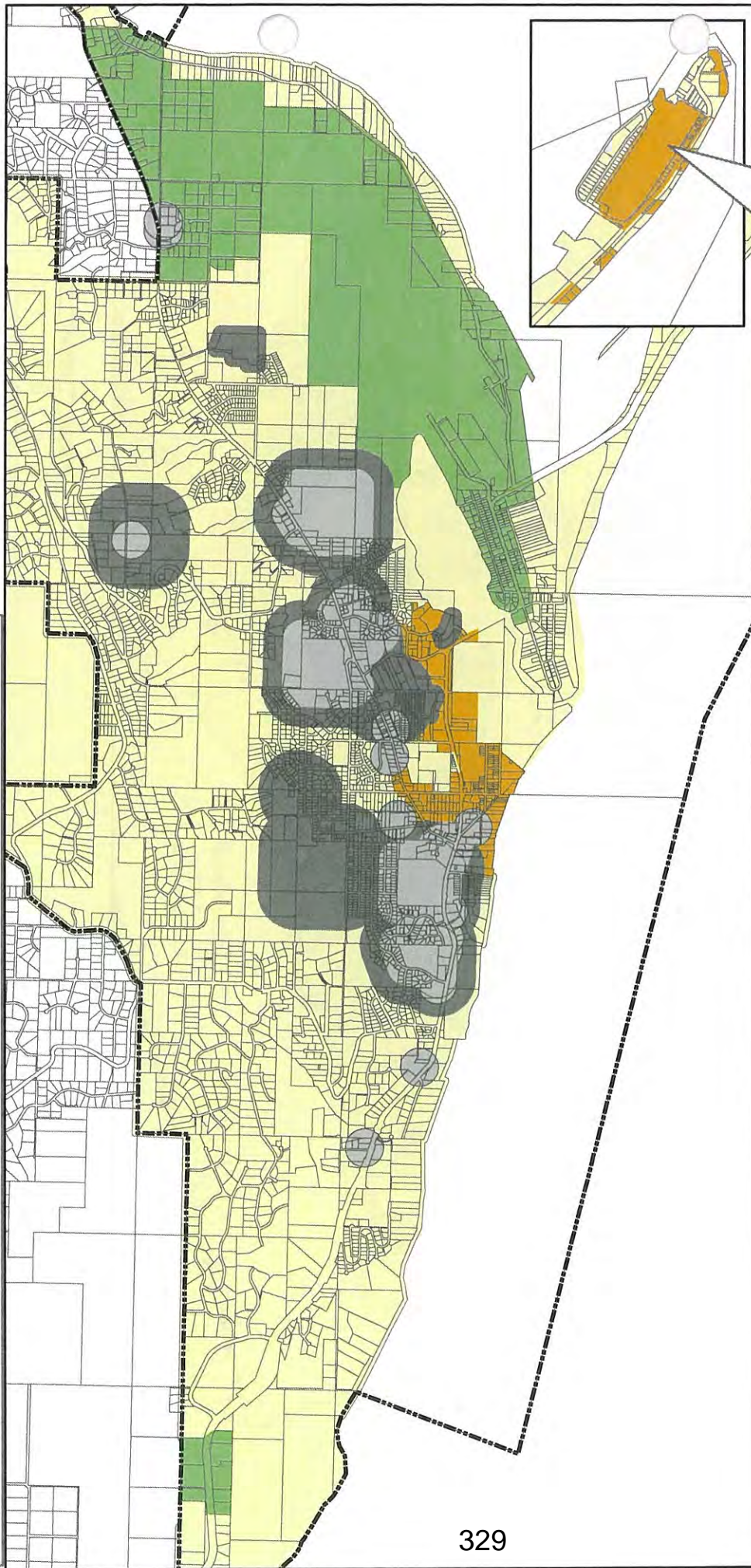
I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. I will not propose provision in city code for an activity that is not recognized by the state. If the state rules change in the future, the City can address it at that time.

Att.

1. Ordinance 16-04
2. Commercial Cannabis Cultivation Map 1/25/16
3. Commercial Cannabis Retail and Manufacturing Map, 1/25/16
4. State Regulations

**January 6, 2016 Public Hearing Version Homer Advisory Planning Commission
2016 Commercial Cannabis Retail and Manufacturing Map.
Testing is allowed outright in the green areas, and in downtown Homer.**

Questions? Contact City Planner Rick Abboud



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Legend

City Limits

State Buffers

Additional City Buffers

Commercial Cannabis Activities

Retail by Conditional Use Permit

Retail allowed outright, Manufacturing by CUP

No Commercial Cannabis Businesses

Retail Only the Spit -
no testing or manufacturing



Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

Presentations

Reports

A. Staff Report PL 15-74, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

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

A. Staff Report PL 15-75 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Jackie Dentz, city resident, commented in opposition to allowing retail sales on the spit because it's a recreational area. She owns Frosty Bear Ice Cream parlor which draws kids, families, and elderly visitors. She also noted visitors from cruise ships are not allowed to bring marijuana on the ship. She doesn't think a retail establishment for marijuana belongs on the spit. She is fine if locals want to buy it and if it's done safely, but encouraged the Commission to think about where they recommend putting retail.

Crisi Mathews, city resident, owns a boardwalk on the spit and real estate in town with her husband Chad. She commented that a CUP is warranted for any grow or retail facility in a residential area, she thinks they will hurt residential property values. She also expressed opposition to allowing retail for marijuana on the spit. She noted several recreational venues that draw youth and families throughout the summer including Islands and Ocean, Alaska Coastal Studies, and HOWL which conduct many of their outings on the beaches, trails, docks, and campgrounds, as well as the Kevin Bell arena in the winter. She added that if retail is allowed and is available year round, there will be minimal oversight as a majority of the area shuts down off season. With a business in Homer and rental cabins in Anchor Point, as well as raising four children here, they have a lot of vested interest in seeing this continue to be a family community.

Chad Mathews, city resident, added that there are buildings on their boardwalk. The way it is worded now, the people who own those buildings, don't have to their permission as the boardwalk owner, to open a dispensary. He encouraged that be readdressed. He thinks with the amount of accidents and almost accidents they see on the spit and impaired drivers could be an issue, as well as the potation for increased break in attempts.

Garth Bradshaw had a business on the spit for many years and his preference is no sales at all within the community, as other communities in Alaska have done. He encourages them to follow suit. That being said, if they allow one person to sell it, how will they restrict others? He suspects there will need

to be limits on licenses, like with alcohol. He supports not selling it in Homer at all, his adult kids and his grandchildren are here and he doesn't like the exposure, and doesn't think it's the thing to do to our community.

Megan Murphy attempted to comment regarding the Waddell Park 2016 Replat Preliminary Plat. It was explained that topic would be addressed under Plat Consideration and if she was unable to stay, she could contact the planning staff for more information regarding the preliminary plat.

Shlomo Gherman commented that if the recreational sale of marijuana in town is done right it could be really effective, specifically bringing in more taxable revenue to the city. We could have a PFD type situation for many of the people living here. Colorado school district received \$6 million in additional funding from sales. No matter where you place a dispensary, once it's known the town has one, there is no stopping purchasing it. Whether it's on the spit or in town, it won't really make a difference, the real concern is managing how it's sold and who is able to purchase. It's very accessible now. If the issue is stoned people on the spit, they are already there.

There were no further public comments.

City Planner Abboud said limiting the number of establishments will be in the code under licensing and not zoning. He will have something on the next agenda for the Commission to make a recommendation.

VENUTI/STROOZAS MOVED THAT EAST END MIXED USE AREA BE ALLOWED TO HAVE SMALL VOLUME CULTIVATION.

There was brief discussion to clarify small grow operations would be allowed anywhere in the district with this motion. Other comments were that this should be more restrictive to begin with.

VOTE: YES: STEAD, VENUTI, STROOZAS, BRADLEY
NO: HIGHLAND, ERICKSON

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD A CUP FOR ALL SMALL CULTIVATION IN RURAL RESIDENTIAL.

Commissioner Highland commented that rural residential is the largest district, it is family oriented, and there are a lot of lots over 40,000 square feet. Allowing it outright doesn't give the residents the opportunity to speak about small grow operations in their neighborhood. Lighting is also an issue, as well as security, in rural residential.

It was noted that currently no small cultivation is allowed on lots under 20,000, and this motion allows it in all of rural residential with a CUP. It would include the smaller lots if approved as presented.

ERICKSON/HIGHLAND MOVED TO AMEND THAT A CUP BE REQUIRED ON LOTS OVER 20,000 SQUARE FEET.

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

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

Motion carried.

There was discussion about buffers that are outlined by the state. City Planner Abboud said he would bring that back with information along with the license restrictions.

Discussion ensued regarding allowing retail on the spit and the comments from the public tonight.

HIGHLAND/ERICKSON MOVED TO DISALLOW RETAIL FOR MARIJUANA IN MARINE COMMERCIAL.

Commissioner Highland said tonight's public comments included good reasons to be concerned about retail sales out there.

Commissioner Venuti noted there are bars and liquor stores on the spit now that sell cheap liquor which he thinks is more dangerous.

Commissioner Erickson agrees with the public comments about not allowing retail in marine commercial.

Commissioner Bradley commented that a CUP is required for retail in marine commercial which is fairly restrictive.

Commissioner Stroozas expressed his thought that the fishing hole is a recreational facility for families with kids and youth based fishing events that are held there. Based on state buffers, that could justify disallowing retail on the spit. If the CUP remains in place, then an applicant complies with all the regulations, the Commission would have to allow it.

VOTE: YES: ERICKSON, STROOZAS, HIGHLAND
NO: STEAD, BRADLEY, VENUTI

Motion failed for lack of a majority.

No further amendments were proposed and another public hearing is scheduled for December 2nd.

Plat Consideration

and applicants have 90 days to act up on the license. He noted retail places won't likely have product to sell right away because cultivators would have to have a license before they could grow. He predicts the scenario would likely be the end of summer at best before product would be available.

He is working on a manageable schedule for the Comp Plan review.

Comments of the Commission

Commissioner Highland and Erickson had no comment.

Commissioner Bradley commented she is looking forward to speaking at the city council meeting on the 23rd and will be getting ahold of the City Planner for assistance with talking points. She thought the comments tonight were interesting.

Commissioner Stroozas said he expected standing room only tonight for the public hearing. It's nice to get done early. It was a well conducted meeting and thanked Chair Stead for moving things along.

Commissioner Venuti agreed it was interesting discussion tonight. He thinks that for what it will cost to get licensed and into operation on the spit for a three month season, doesn't make economic sense. He doesn't think there will be a lot of people jumping at that opportunity. Regarding commissioner comments at council meetings he encouraged that speakers work with staff to get a script or talking points to ensure they aren't giving personal feedback.

Chair Stead said he thinks they did good tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:01 p.m. The next regular meeting is scheduled for December 2, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 21, 2015

It was suggested this is a good place to start, and they will have the opportunity to add CBD later if it seems reasonable.

VOTE (Amendment): YES: BOS, ERICKSON, HIGHLAND
NO: VENUTI, BRADLEY, STEAD, STROOZAS

Motion failed.

Commissioner Erickson feels there are people who will be very offended by these activities.

VOTE (Main motion): YES: STROOZAS, VENUTI, BRADLEY, STEAD
NO: ERICKSON, BOS, HIGHLAND

Motion carried.

HIGHLAND/STROOZAS MOVED TO ALLOW RETAIL IN COMMERCIAL AND INDUSTRIAL WITH A CUP.

There was brief discussion.

HIGHLAND/BOS MOVED TO EXTEND THE MEETING ADJOURNMENT 15 MINUTES UNTIL 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED TO AMEND TO INCLUDE MARINE COMMERCIAL AS CUP.

There was brief discussion recognizing that it will be important to get public input for these activities. It was noted that they recommended testing be allowed outright with the understanding that it will be a laboratory environment.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

There was no further discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud expressed his frustration with having to take these recommendations to the Cannabis Advisory Commission.

Commissioner Bos reiterated that this is a good place to start and there may be some changes here and there after they get public testimony.

Commissioner Highland commented that residential is mixed in most of the districts and there are ramifications of marijuana related activities that warrant something keeping it more restrictive in the beginning. If it is less restrictive and down the road we want to change regulation, we are left dealing with nonconforming uses.

Deputy City Planner Engebretsen confirmed for the next meeting staff will bring back two options to consider for rural residential, one not at all and two by CUP with rigorous standards like minimum lot size and separation distances to establish grounds to allow or deny.

There was general discussion about the lengthy process of getting licensed for an operation, and the stringent regulations for the marijuana related activities once they are licensed.

Under the manufacturing table it was suggested to eliminate CBD and include GC1 and GC2 as a CUP. Lot sizes in the CBD are too small and flammable materials are used at times in the process. Exclude Town Center and Gateway Business and Marine districts as well.

No changes were suggested for the table under testing.

Regarding retail, there was discussion of the notion of limiting the number of retail operations. Deputy City Planner Engebretsen explained that in staff's discussion, these stores can't sell other things. It raises the question how many can the community really support? The spit has a short retail season and there are a lot of hurdles to get a license from the state. It's questionable if it will be worth doing it out there. No changes were suggested.

Deputy City Planner Engebretsen said they will bring back a draft ordinance for the Commission to review.

B. Staff Report PL 15-71 Transportation Recommendations

Deputy City Planner Engebretsen reviewed the staff report.

BOS/HIGHLAND MOVED TO FORWARD THE TRANSPORTATION RECOMMENDATIONS TO COUNCIL.

There was brief discussion in support of the recommendations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

- A. City Manager's Report September 28, 2015
- B. Town Hall Potential Revenue Solutions Pros/Cons

Comments of the Audience

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

Diamond Ridge Art Studio

November 4, 2015

City of Homer

Planning Commission

491 E. Pioneer Avenue

Homer, AK 99603

RECEIVED

DEC 21 2015

CITY OF HOMER
PLANNING/ZONING

RE: Cannabis Advisory/Oversight Committee Proposed Spheres

Dear Commission Members:

In May of 2014, I opened Diamond Ridge Art Studio at 4025 Homer Spit Road, #17. My decision to locate my business there was based primarily on the nature of the prospective clientele that visits the area. The Homer Spit attracts large numbers of vacationing families, tourists, fishermen and boaters. Between May 4th and Labor Day of this year, I logged over 5,000 visitors to my gallery. Many of these visitors were families with children of all ages. Also, many were residents of Homer. I organized painting demonstrations that were attended by both children and adults, both from Homer and elsewhere. In addition, I carry art items that are appropriate for families.

The proposed city ordinance permits the retail sale of marijuana on the Spit. I would ask the Commission to consider establishing a buffer zone due to its proximity to the Nick Dudiak Lagoon, adjacent campgrounds (which serve as temporary residences) and the small boat harbor.

The Homer Spit is a seasonal retail environment. Virtually all of the businesses close for the winter. A police presence is a challenge to the city to maintain during the busy summer season and would need to become a greater presence during the winter should marijuana sales be conducted there.

I know that there are several families who would no longer come to my business for any reason if there is an establishment selling marijuana nearby. As a small business owner, I strive to attract every potential customer by providing an environment that is family-friendly and wholesome.

Homer has demonstrated its commitment to promoting tourism. The city, the Chamber of Commerce, and the business community have successfully collaborated to attract tourists and to grow the cruise

Olga Amara, Owner
#17 Homer Spit Road
Homer, AK 99603
(907)299-7750
Diamond.ridge.art@gmail.com

Diamond Ridge Art Studio

ship business. Much of that is centered on the Spit. The retail sale of marijuana and cannabis products does not seem to me to be consistent with the promotion of a family-centered vacation destination.

I would welcome the opportunity to discuss this further with you and can be reached at the number listed below.

Sincerely,

Olga Amaral

*Olga Amaral, Owner
#17 Homer Spit Road
Homer, AK 99603
(907)299-7750
Diamond.ridge.art@gmail.com*

Dotti Harness

From: Crisi Matthews <broker@cmreagent.com>
Sent: Wednesday, December 02, 2015 3:28 PM
To: Department Planning
Subject: Public Comment for Planning Commission Meeting Tonight

I find it rather disappointing that members of the community came forward in support of limiting cannabis sales here in Homer from recreational areas such as the Spit and resulted in such minute support from the Commission. This conversation is not about alcohol on the Spit as was Council's statement in opposition of our request for restrictions to sales on the Spit. As a governing body, one member went on to read the definition of the City Code for recreation and it's facilities as they exist in Homer. In addition, the General Plan also designates OSR zones on Homer Spit and therefore it seems natural that RECREATION as defined by your code should have the same buffer zone as the 'Park' does. Children congregate in these zones while visiting Homer more than any other Zone in our City. I'm still not clear how the Council who has defined Recreation and it's Zones so clearly isn't placing any protection on them now. Buffer Zones for the zones of OSR need to be identified also as there won't be specific designations addressed in the state code such as these nor on marine OSR zones as this designation pertains to Homer not the state at large. The code limits construction so as to preserve them and their use a buffer zone here seems only logical.

To date, the state committee is still answering public questions on these same texts and they haven't completed the adoption of their guidelines as they apply to Alaska. It also states at this time that the local jurisdiction must approve a license request before the state will issue it once these guidelines are in place, so I'm not sure why there is such haste in generating Homer's guidelines ahead of the state. If ANYTHING it would seem prudent to allow them to lead not to supersede local recommendations ahead of theirs. The idea that we need to have our doors open first is extremely liberal and not reflective of the overall populous of Homer. As shown in the last public hearing the opponents far outweighed those in support and none from the Cannabis committee even attended.

According to the 2010 Census nearly 25% of Homer's population is under 19. In addition, a call to the Chamber of Commerce identified that 11,600+ visitors came into the Chamber not including the City of Homer in general from May 1 to August 31 and 9 cruise ships distributing 4500 visitor guides to these. Big draws like the Birding Week and Salmon Derby are big draws here also. It seems pretty obvious to me, a business owner in town and to the others that spoke last month requesting your expressed protection of the Spit that the Planning Commission HAS the authority and the obligation to protect the OSR Zones they've created for outdoor use. The families that live here came for all that is Homer; a safe community to raise healthy families. The residents and the visitors came for every reason OTHER than access to Cannabis Sales. Tourism is the heart of Homer's summer revenue as a City and for small time business owners that depend on the summer commerce, not a hope for retail tax from these proposed businesses.

We ask that you revisit the OSR and place a buffer zone on them just the same as you have identified for the Hornaday Park.

--
Loyally,
Crisi Matthews, Broker
c: 907-299-8700
f: 888-552-2805
www.CMREagent.com

RECEIVED

DEC 2 - 2015

CITY OF HOMER
PLANNING/ZONING

Dotti Harness

Subject:

FW: Comments for public hearing December 2nd planning commission

RECEIVED

DEC 2 - 2015

From: Chad Matthews <info@ofishial.com>

Date: December 2, 2015 at 3:59:47 PM AKST

To: planning@ci.homer.ak.us

Subject: Comments for public hearing December 2nd planning commission

CITY OF HOMER
PLANNING/ZONING

I apologize ahead of time for being a terrible public speaker and my wife and I can't be there tonight but ask that you be patient for a couple of serious points not only on the Cannabis subject but how I have witnessed it address by this board. Neither point will mean anything unless you know my background. So please humor me for a minute down a quick blink of my life which I promise is all relevant to this town that I/We call home. I was born and raised in San Jose California more specifically the East side "the wrong side of town". It was ridden by drugs and gangs and my father and I were only there to grant my grandmother's dying wish to live out her years in the house that my grandfather built. As much as I loved my grandmother we said every year that this would be grandma's last Christmas living in what became one of the top rated ghettos in the lower 48. My grandfather's hand built home was built in the middle of an almond orchard that in 40 years became the festering grounds for gang activity, drug trafficking and violence. There I both witnessed and was a victim of violence based on drug trade both from gang selling and at the hands of the childhood product of druged out parenting. I went to school everyday sick to my stomach about about what would happen before the day was out. To save you the long "opera" moment I have been beaten to an inch of the end of my life more than once. Many of these kids who were violent in the name of gang involvement began their drugged lives at the hand of marijuana. It was a gateway drug for them. My rear neighbors who were 5th graders had access to marijuana and sold it within the neighborhood. How is that related to the pot here, in Homer I am sure you ask as well as this is not a forum to discuss the legality legalizing it since that has already been done.

I offer further evidence of the effects of it and ask what basis anyone in this room has to offer to the affects on this town? The Cannabis of the 70s when pot was a fraction of the potency and was a part of a free loving era that was the platform of counter capitalism has evolved. Those who believe the legality is just are ignoring that it is a controlled substance and it has become a more potent, more marketed, more effectively and illegally grown product that has lead to continual growth and profitability of major gangs and cartels that have changed everything from those fun loving hippy days. My story does not end there, at 13; the year before my grandmother passed and I had an out to get out of the ghetto based on my parents' divorce. I moved with my mother to a small dairy town in the Central Valley of California. This is the town that shaped me but I've been told by the teachers there that we were the last good class to come through a long history of a good wholesome town. Even my younger brother was on the wrong path. He harmlessly thought smoking pot was a good idea in contrast to myself who saw the devastating effects as a kid in the ghetto. I have not spoken to him in 10 years. He now sells marijuana through California's medical marijuana laws, he has multiple convictions of driving under the influence and theft still living with our mother at nearly 30 years old. I watched his demise which started with pot.

As an adult man legally hunting pigs in the mountains of California, I've been shot at by those growing illegally on forestry land. The crime report we produced for this board a month ago regarding the effects of legalization in Colorado, who read it? Was it a priority to look at those unbiased statistics before making decisions on how it will be implemented here before THE STATE OF ALASKA has even completed it's editing process of this document to serve as our template here in Homer?

Back to this board their basis for addressing this issue. In the first meeting I addressed specific questions that were brought up but not addressed in discussion since they clearly did not conform to what appeared to be personal agenda. Only one proponent without a logical presentation showed up

to the meeting to state 'it's already here' in our town yet the appeal by business owners who are the lifeline of the City's revenue was largely ignored. 44% of the City's Budgeted Revenue is generated by taxes; sales and property therefore, why would the Planning Commission ignore that this is largely based on the series Homer currently offers; safety, community, clean wholesome family activities and tourism of this town? When only 2 of the board both Roberta and Shelia tried to address questions by the people they were shut down or it was likened to rot gut sales on the Spit which has nothing to do with this issue nor minimized in light of alcohol a legalized and VERY REGULATED industry. How is it that in representing the people, their comments are ignored? What experience (like mine in seeing direct result of loose oversight of controlled substances) does the rest of the board have in this matter? I'm not sure why in Homer there is the need to be the trendsetter with this legislation in rushing to approval ahead of the state? I don't see more advocates for looser restrictions appearing than the opposite asking for more restriction. I'm a staunch advocate of the exact draw there is for people to Homer—1. tourism, 2. family based community 3. small town and low crime rates
The mission statement of Homer is:

The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns.

Is your direction to allow pot retail in nearly all parts of Homer a reflection of that?
Do you see the need for liberal Cannabis legislation to be paramount to building our community and the families here? You've outlined Recreation should have a buffer and in the General Plan there are numerous OPEN SPACE RECREATION areas and you further defined those at the last meeting per the City Code yet no consideration is being given to a buffer zone for those even at the request of those who conduct business there. I'm a little frustrated as I have seen first hand the effects of liberalization and left behind all of that for a place to conduct a family-run business and a community like many here to raise our family.

--
O'Fish'ial Charters of Alaska

Capt. Chad Matthews

907-299-6991

Homer, Alaska

--
Loyally,
Crisi Matthews, Broker
c: 907-299-8700
f: 888-552-2805
www.CMREagent.com
www.HomerShores.com

AK DRE Li #19150
CA BRE Li #01894501
4025 Homer Spit Rd#7, Homer, AK 99603
affiliate: Luminary RE

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

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(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: February 7, 2018
SUBJECT: February 12 City Manager Report

Kachemak Bay and Fox River Flats Critical Habitat Plan Review

A group representing various sectors of the community are meeting monthly to review the Kachemak Bay and Fox River Flats Critical Habitat Area Plan. Deputy Planner Julie Engebretsen is the City of Homer representative on this group and has provide the update below for Council and the public.

At the January 17th meeting, the group made it about half way through the discussion of harbor operations. Harbormaster Bryan Hawkins attended the meeting and shared his expertise. The working group members were appreciative of his participation.

Outcomes of the meeting:

- The CHA will remain closed to derelict and abandoned vessels. Existing language allows the sinking of derelict boats to create artificial reefs: this language will be removed.
- The oil and gas section is done and the language will remain very close to the existing policy. The plan allows for limited surveying in the Bay, but no exploration or development.
- Float homes will not be allowed. This does not appear to be an issue currently in the CHA but is a growing concern in southeast Alaska.

Upcoming topics:

- Discussion will continue at the next meeting on harbor operations, and vessel anchoring
- Drill rig storage
- Aquatic farms and docks

Over the summer, there will be smaller working groups on the following topics. City staff does not anticipate participating in all of these smaller groups, but plans to attend City of Homer related working groups and those where staff can provide expertise.

- Disposal of Harbor dredge materials, and shoreline alteration/erosion control, particularly on the Spit and within the City of Homer.
- Trails and motorized vehicle usage

- Water quality
- Aquatic farming (includes shellfish, kelp etc.), and
- Cattle grazing in the Fox River Flats CHA.

After Action Report for Tsunami Warning

The earthquake and ensuing Tsunami warning on January 23rd was a great opportunity for agencies across coastal Alaska to dust off their Emergency Operations Plan and prepare for an event with more seriousness than a drill can provide – and the City of Homer was no exception. City officials, HVFD volunteers and on-duty State Troopers met at the Emergency Operations Center, Fire Hall, in the early hours Tuesday to stand up a small Incident Management Team. The evacuation was smooth and orderly thanks to the citizens of Homer self-evacuating in an orderly and controlled fashion. Homer Police Department followed up evacuating low lying areas, going door to door in some cases. Public Works mobilized and evacuated heavy equipment to the High School Parking lot, about the inundation zone. Agencies all over Alaska have been taking the last two weeks to debrief and apply lessons learned. Some of the items that the City does not manage but have come up are the fact the warning sirens only went off once and the inconsistency in the cell phone alerts. Lessons learned that the City will be working on that require constant cultivation include public education, developing community partners, and continued preparedness training.

One important take away was the need for continued public education on the Tsunami Inundation Zone. A new draft map has recently been released for potential Tsunami inundation zones in the Homer and Kachemak Bay area applying lessons learned from Japan, which produced far more severe Tsunamis than predicted. During the evacuation the City relied on Pioneer Avenue as a clear and easy to understand cut off for evacuating. In reality, the modeling and topography is more nuanced. It would be useful to spend some time as a community studying the map and developing a public education plan for those neighborhoods most at risk or right on the line. The final map has not been released yet and still has to undergo an extensive peer review process before publication.

Other items we would like to work on are developing community partners to help evacuate those who need assistance since in an event it is likely that our first responders will be busy and making sure the Red Cross is ready to stand up a shelter for a multiday event with provisions. Communication is probably the single most important role we can play in making sure accurate information is out there and making sure our Public Information Officers are trained and ready to respond is key for any level of emergency.

Midterm planning includes updating the City of Homer Emergency Operations Plan which was adopted in 2013 and should be refreshed every 5 years. This will give us an opportunity to update procedures and critical contact and community partner response information. The last update was performed internally with a small task force, however a firm was hired to draft the initial document. Our next step will depend on whether or not FEMA will be requiring a change in format.

Another follow up I would like to take advantage of is additional training of staff, City Council, and a drill that takes January 23rd to the next step of a Tsunami. An earthquake and Tsunami event (at least a warning) a likely scenario in Homer. I have been in touch with Texas A&M Engineering Extension Service (TEEX) Emergency Services Training Institute (ESTI) about coming up to lead some drills and trainings for the City this summer.

Safety a Priority in Homer

Homer was named the second safest City in Alaska by SafeWise, a home security company. While the ranking is a marketing technique to drive traffic to their website, it is based on relevant data and reflects how safety and sense of security are a priority in our small town. SafeWise selects their cities based on the number of reported violent crimes and population data. The full report and methodology can be read at <https://www.safewise.com/blog/safest-cities-alaska/>

Waterline Repairs

Early Monday morning (February 5), for the third time since the earthquake, Public Works employees realized we had another water main break. Sensors on the distribution system indicated that we were losing almost 1000 gallons per minute. Water distribution employees at 2:00 AM started closing valves to identify and isolate the problem. During this time water pressures were reduced in some areas and a few customers temporarily experienced loss of service. By 9:00 AM the break was located on East End Road between East End and Mattox. Flows were reduced through that section of main, with special attention to maintaining water service to Paul Banks Elementary.

Public Works crews worked all day to funnel traffic through the affected area, locate and protect other underground facilities in the area of the break, and excavate through frozen ground to expose the 15' deep main. During this time, water pressures in the immediate area were lower than normal and two residents continued to not have water service. KBBI was contacted and a public service announcement was broadcast to inform the community of the situation and provide phone numbers for questions. Lloyd Moore provided a tanker truck to help maintain water service to the School and East Road Services provided a backhoe capable of effectively reaching the deep main.

Early Tuesday morning the main was repaired. Normal water service was back to normal by 10:00 AM Tuesday morning. The hole was backfilled and traffic control was removed by late afternoon. Repairs to the sidewalk and road way will be completed as weather permits. The Water and Sewer budgets for repairs such as this and all three breaks were repaired using monies in the budget dedicated to responding to these types of emergencies. All costs can be absorbed by the budget and water loss will not affect future water rates.

Enc:
February Employee Anniversaries
Homer Foundation Quarterly Report



City of Homer

www.cityofhomer-ak.gov

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(f) 907-235-3148

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: Katie Koester
DATE: February 12, 2018
SUBJECT: February Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Dan Miotke,	Fire	16	Years
Tim Yarbrough,	Fire	16	Years
Debra Waldorf,	Library	10	Years
Jim Knott,	Police	8	Years
Mike Parish,	Public Works	6	Years
Nate Hull,	Police	5	Years
Jenny Carroll	Admin	2	Years
Austin McAvoy	Police	2	Years
Morgan Tracy	Police	1	Year

HOMER FOUNDATION
 Quarterly Report to Fund Holders
Jul - Sep 2017

Fund Holder City of Homer
 Fund **City of Homer Fund**

Fund Type: Field of Interest
 Fund Code: 1305

PORTFOLIO SHARE (Corpus)

Beginning Balance	197,520.61
Contributions	-
Withdrawals	-
Portfolio Market Change	(6,614.29)
Ending Balance	190,906.32

AVAILABLE FOR DISTRIBUTION (Earnings)

Beginning Balance	13,773.29
Earnings Allocation	781.94
Grants Awarded:	
none this quarter	-
	-
	-
Grants Total	-
Ending Balance	14,555.23



City of Homer

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Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: FEBRUARY 7, 2018
SUBJECT: BID REPORT

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 SOLID WASTE COLLECTION AND DISPOSAL The City of Homer, Alaska is requesting proposals from qualified firms for solid waste collection and disposal. Successful proposer will be contracted to collect and dispose of solid waste from designated City facilities, and to furnish the necessary labor, material, equipment, tools, supervision, and other facilities to perform under such contract. The City is seeking dumpsters with bird and wind proof lids that are user friendly for the Homer Spit. The City encourages proposals that respond to our needs of public safety, convenience of use, economic responsibility, and systems that offer us the best chance of keeping the trash in the dumpsters while also keeping wildlife out. Plan holder registration forms, and specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. All proposers must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Sealed proposals shall be received at the Office of the City Clerk **no later than 4:30 pm, Thursday, March 1, 2018.**

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Public Works Director

RESOLUTION 18-016

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE HARBORMASTER BUILDING
EMERGENCY GENERATOR 2018 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 January 11 and 18, 2018, sent to two in-state plans rooms,
and posted on the City of Homer website; and

WHEREAS, Bids were due February 8, 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 Harbormaster Building Emergency Generator 2018 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 12 day of February, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Pending

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Public Works Director

RESOLUTION 18-017

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE OPERATION AND
MAINTENANCE OF THE PORT & HARBOR FISH GRINDING FACILITY
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 January 4 and 11, 2018, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Proposals were due February 8, 2018 and _____ proposals 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 the Operation and Maintenance of the Port & Harbor Fish Grinding Facility 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 12th day of February, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Pending

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

3 Erickson

4 **RESOLUTION 18-018**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING A
7 SHORT TERM WATER AND SEWER RATE TASK FORCE TO REVIEW
8 WATER AND SEWER RATES FOR HIGH VOLUME USERS
9

10 WHEREAS, The Water and Sewer Task Force was established by Council in March of 2012
11 to review the existing water and sewer rate structure and provide written recommendations to
12 Council; and
13

14 WHEREAS, The Task Force is to be commended for its hard work over the course of over
15 a year to tackle a complicated and controversial topic: and
16

17 WHEREAS, The Task Force proposed changes to the rate structure based on a
18 commodity based uniform rate which was approved by City Council in Resolution 13-048(S-
19 2)(A-3); and
20

21 WHEREAS, One of the unintended consequences of the changes to the water and sewer
22 rate was economic damage to large volume users which resulted in job losses; and
23

24 WHEREAS, It would be appropriate to establish a task force to review the impact of the
25 water and sewer rate changes to large volume and commercial users; and
26

27 WHEREAS, The Task Force should include representation from each sector who took
28 their jobs elsewhere or have had to make huge adjustments to remain competitive; and
29

30 WHEREAS, Addressing unintended consequences of the current water and sewer rate
31 structure necessitates quick work so that rates can be adjusted by July when City Council is
32 required to review and adopt any changes in water sewer rates for the following fiscal year;
33 and
34

35 WHEREAS, The Task Force may find that no changes are needed to the rate structure,
36 nevertheless it is important to review the efficacy of policy whenever changes are made; and
37

38 WHEREAS, The appointments to the task force will be made by the Mayor with approval
39 of the City Council and have an open advertisement time that closes on February 20th with the
40 appointments to take place at the February 26th Council meeting.
41

42 NOW, THEREFORE, BE IT RESOLVED that the task force shall be comprised of three
43 members and include a representative from a private business located on the Homer Spit, a
44 representative of a non-profit or government agency located in Homer City limits, and a
45 member of the Economic Development Commission.

46
47 BE IT FURTHER RESOLVED that staff support will be provided by the City Finance
48 Director.

49
50 BE IT FURTHER RESOLVED that the task force will terminate two months after their first
51 regularly scheduled meeting presenting recommendations to the Homer City Council no later
52 than the first regularly scheduled City Council meeting in June, 2018.

53
54 CITY OF HOMER
55
56
57
58 _____
59 DONNA ADERHOLD, MAYOR PRO TEMPORE

60 ATTEST:
61
62
63 _____
64 MELISSA JACOBSEN, MMC, CITY CLERK
65
66 Fiscal Note: Staff time and advertising

**CITY OF HOMER
HOMER, ALASKA**

Erickson

RESOLUTION 18-018(S)

A RESOLUTION OF THE HOMER CITY COUNCIL DIRECTING THE
ADVISORY ECONOMIC DEVELOPMENT COMMISSION TO
ANNUALLY REVIEW WATER AND SEWER RATES FOR HIGH VOLUME
USERS

WHEREAS, The Water and Sewer Task Force was established by Council in March of 2012 to review the existing water and sewer rate structure and provide written recommendations to Council; and

WHEREAS, The Task Force is to be commended for its hard work over the course of over a year to tackle a complicated and controversial topic; and

WHEREAS, The Task Force proposed changes to the rate structure based on a commodity based uniform rate which was approved by City Council in Resolution 13-048(S-2)(A-3); and

WHEREAS, One of the unintended consequences of the changes to the water and sewer rate was economic damage to large volume users which resulted in job losses; and

WHEREAS, The Economic Development Commission bylaws state they are to act in an advisory capacity to the City Manager and the City Council on the overall economic development planning for the City of Homer; and

WHEREAS, Water and sewer rates need to be reviewed before July when City Council is required to review and adopt any changes in water sewer rates for the following fiscal year; and

WHEREAS, Some years the Economic Development Commission may find that no changes are needed to the rate structure, nevertheless it is important to annually review the impact of water and sewer rates on business.

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Commission shall be tasked with reviewing water and sewer rates with regard to the impact on business and high volume users annually and deliver a report to the City Council no later than the first regularly scheduled City Council meeting in June.

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CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A



City of Homer

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MEMORANDUM 13-073

TO: MAYOR WYTHE & HOMER CITY COUNCIL
FROM: WATER & SEWER RATE TASK FORCE
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I
DATE: APRIL 5, 2013
SUBJECT: PROPOSED WATER & SEWER RATES AND ADDITIONAL RECOMMENDATIONS

Attached is the Water & Sewer Rate Task Force's ("the Task Force") recommendation regarding the rate-setting model for the City of Homer Water & Sewer services. The Task Force was established in accordance with the provisions of Resolution 12-027(A), consisting of five City of Homer residents (Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore and Terry Yager) and two City Council members (Barbara Howard and Beth Wythe), appointed by Mayor James Hornaday through Memorandum 12-056. Subsequent to the original appointments, community member Terry Yager submitted his resignation from the Task Force and the seat remained unfilled for the duration of the review process. Also, following the October elections, Beth Wythe was authorized to continue on the Task Force through Resolution 12-094 following her election as Mayor. Barbara Howard resigned from the Task Force in November and was replaced by Council Member Beau Burgess through Memorandum 12-161(A). Copies of all Resolutions and Memoranda are included in the appendix of this report as supporting documentation.

Following the establishment of the Task Force the initial meeting was held May 9, 2012. At this meeting the Task Force established the framework for a meeting schedule for meeting the first and third Tuesday of each month; the first Tuesday being a work session and the third Tuesday being a regular meeting. Work sessions and meetings were scheduled in the conference room with the exception of public hearings which were held in the Council Chambers.. The schedule was adjusted from time-to-time to accommodate holidays and scheduling conflicts for members of the Task Force.

The initial meetings of the Task Force were primarily focused on determining the types and sources of information that would be required to allow the Task Force to more fully understand rate making concepts and the nature of the City of Homer's current rate design. This process included:

- Reviewing the 1991 Water and Wastewater Utilities Rate Study conducted by KPMG Peat Marwick.
- Reviewing the 1997 Utility Rate Study prepared by Montgomery Watson. Task Force Members Castner and Moore were participants in that rate study as well and were able to provide valuable insight into the resulting rate model which was successfully used by the City until recent history.
- Reviewing budget documents from several prior years, as well as more current information included in the proposed 2013 budget.
- Reviewing the areas served by the Water & Sewer Enterprise and discussions related to potential users that have a disproportionate impact on the existing infrastructure. These include the requirements of the system specific to providing fire hydrant services, commercial building sprinkler services, and the expense of delivering water to, and returning sewage from the Spit.
 - The requirements for certified staff and the staffing plan for the water and sewer treatment plants were reviewed, as was the allocation of other staff services to the Water & Sewer Enterprise.
 - The loss of large volumes of treated water as a result of dead-ended lines were a major concern and were considered regularly throughout the process as this appeared to be a substantial expense to the system as a whole.
 - Rates from other nearby communities were reviewed and the reasons for the difference in operating costs, as well as anticipated impacts of new regulations on these systems as compared to the Homer system, were discussed.
 - User data was reviewed to develop a sense of the “average” user, and again to develop a better understanding of the disproportionate users.
 - Staff provided an overview of both the water system from treatment to return, and the sewer system from return to treatment.
 - Fire protection expenses were also discussed periodically as a substantial contributor to the expense of the system that was not adequately or properly allocated.

Following the collection and review of this information the Task Force considered a variety of ratemaking formulas giving consideration to fairness and consumer satisfaction. The following rate evaluation illustration was provided in the American Water Works Association manual M54, Developing Rates for Small Systems (2004, p. 38).

OBJECTIVES	INCREASING RATE MODEL	UNIFORM RATE MODEL	SEASONAL RATE MODEL	FLAT RATE MODEL
FAIRNESS	High	Satisfactory	High	Low
CONSERVATION	Satisfactory	High	Satisfactory	Low
EQUITY	High	Satisfactory	High	Low
COST OF SERVICE BASED	High	High	High	Low
UNDERSTANDABLE	Satisfactory	Satisfactory	Satisfactory	Satisfactory
FEASIBLE	Satisfactory	Satisfactory	Satisfactory	Low
DEFENDABLE	Satisfactory	Satisfactory	High	Low
REVENUE STABILITY	Low	High	Low	Satisfactory
COST RECOVERY	High	High	High	High
LEGAL	High	High	High	Low

Low	Satisfactory	High
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Upon considering the various rate design options, the Task Force determined that focusing its energy on designing a commodity based, uniform rate structure that considered expenses that were not directly related to the delivery of service to all consumers, such as system size due to fire hydrants, delivering water to the Spit, water used to flush dead-end lines, and water leakage in the harbor. The Task Force also considered extraordinary expenses on the sewer system including the impact of high biochemical oxygen demand (BOD) waste which increases the cost of waste processing and the requirement in some areas for lift-stations to deliver waste to the treatment plant.

The recommendations of this report are based on this information and result in a balanced budget for the Water & Sewer Enterprise Fund. The recommendations also provide a new rate model that will ensure the collection of the required funding into the future. Distributing the expense for the system more equitably based on a cost-causer, cost-payer is the foundation of the proposed rate model.

The recommendations of the Task Force include:

- Replacing the current rate model with the proposed commodity based model found on page A1-A4.
- Continue to periodically review the allocation of administrative and other overhead expenses to ensure they properly reflect the actual expenses being charged to water & sewer.

- Clearly delineate water and sewer rates, by location, in future budget documents (i.e., revenue from City facilities and related expense lines in Port & Harbor, Water & Sewer, and other administrative budgets.)
- Confirm that ALL City of Homer facilities receiving water and sewer services are being properly metered and billed.
- Consider alternatives for refreshing the water in deadened lines that does not result in the waste of large volumes of treated water.
- Renew the contract with Kachemak City and ensure that the rates adequately reflect the cost of this area on the system as a whole, including any added administrative expenses.
- Consider methods for rate-setting that will not allow political influences to result in the under collection of rates in the future.

While this review may not have fully exhausted the rate design possibilities available to a rates consulting firm, it is the belief of the Task Force that the information and recommendations found in this report have met the fundamental review requirements that the Task Force was requested to consider in the development of their recommendations.

Respectfully submitted,

HOMER WATER & SEWER TASK FORCE

Chair: Beth Wythe

Vice Chair: Beauregard Burgess

Current Members: Ken Castner, Robert Howard, Sharon Minch, and Lloyd Moore

Water and Sewer Rate Review Proposed Water & Sewer Rate Model and Recommendations

Report of the Water & Sewer Rate Task Force

4/8/2013

Contributing Task Force Members Beauregard Burgess, Ken Castner, Barbara Howard, Terry Yager, Bob Howard, Sharon Minsch, Lloyd Moore, Beth Wythe

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INTRODUCTION:

The Water & Sewer Rate Task Force (the Task Force) was established in accordance with the provisions of Resolution 12-027(A), consisting of five City of Homer residents (Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore and Terry Yager) and two City Council members (Barbara Howard and Beth Wythe), appointed by Mayor James Hornaday through Memorandum 12-056. Subsequent to the original appointments, community member Terry Yager submitted his resignation from the Task Force and the seat remained unfilled for the duration of the review process. Also, following the October elections, Beth Wythe was authorized to continue on the Task Force through Resolution 12-094 following her election as Mayor. Barbara Howard resigned from the Task Force in November and was replaced by Council Member Beau Burgess through Memorandum 12-161(A). Copies of all Resolutions, Memoranda and information provided by Staff are included in the Appendices to this report; all reference materials accessed or reviewed have been cited as supporting documentation.

The City Council approved the creation of a Task Force after numerous public comments and complaints about the 2012 increase in Water & Sewer Rates and fees.

From the beginning, the Task Force resolved to reach decisions that were not colored by sentiment or popularity. The Task Force began its work of developing a recommendation for the City Council by considering who the benefactors were of the water and sewer systems. In addition to the residential and business customers there are large commercial users such as South Peninsula Hospital and the Port & Harbor. There are also incidental benefits that the system was designed to provide including providing both fire hydrants and sufficient water for buildings that house sprinkler fire suppression equipment. While the City Council will make the final decision regarding any rate changes, the Task Force has included recommendations for allocating the additional expenses related to these specifically identifiable cost centers in an equitable manner.

CURRENT RATE STRUCTURE:

Currently water and sewer rates differentiate between various water usage and sewage returns based on whether they are delivered to or derived from residential customers, or small or large commercial customers. The Task Force believes that a gallon of water or a gallon of waste should be of an equal base cost to all users, and when a class or location of users is found to be more costly, a surcharge should be added.

Public Works states that the size of the City's water system is primarily designed to handle the delivery volume required for the fire protection needs of the City. The current City contribution to the annual water budget does not fully reflect the attributed costs that should be recovered through "hydrant rents".

FAIR AND EQUITABLE RATES:

The Task Force believes the basic service charge for water and sewer customers should accurately reflect the cost of customer billing, banking and accounting expenses. Other system maintenance and treatment expenses should be billed in accordance with the customers' actual usage. There is an inherent fairness in charging all customers hooked into the system(s) the same rate for an indistinct commodity. A gallon of water is the same no matter what its use. A uniform rate lends itself to easy rate adjustments using calculations that are simple and transparent.

The Task Force identified costs associated with the water and sewer system that are derived from the population in general (fire protection, City owned buildings, public rest rooms, fish cleaning stations and support of other community facilities that use water in their day-to-day activities). These costs should be borne by the City as general fund expenses using the same tariff basis as any other user.

Fairness also requires that users that require services beyond the normal, or create additional costs, be charged for those expectations and/or costs. Two examples of the former would be those buildings with un-metered fire protection service lines and multi-unit complexes using a single meter. Two examples of the latter would be the additional cost of treating "hot" (high BOD) sewage and the costs of maintaining and powering the sewer lift stations. In order to address these non-standard users a small surcharge has been recommended.

SYSTEM REQUIREMENTS:

The water and sewer system in Homer has some unique characteristics that increase the cost of operations and maintenance. The first is the location of our water source and another is the elevation of many users relative to the sewer treatment plant.

Having water come from the top of the hill may at first appear to be a great asset since many water systems are challenged with pumping water to higher elevation customers. However, reducing the pressure in the delivery system as a result of the gravity fed nature of Homer's system presents its own costly challenges. The construction and maintenance of the pressure reducing valves that are required to safely deliver water into the system and then into the residences and businesses receiving services is a substantial contributor to the cost of Homer's water system over other similarly sized systems across the state.

In addition to these challenges, having a surface source of water increases the volume of treatment required to make the water potable. As a result, Homer has been required to maintain a state-of-the-art water treatment facility for years and has recently built a new treatment facility with the capacity to meet current and anticipated water quality standards for years to come.

The water delivery system has also been sized to provide adequate pressure and flows for a variety of special services including fire sprinkler systems and hydrants. Hydrants benefit all City property owners whether they are connected to the delivery system or not. Therefore the Task Force believes that a portion of the additional system costs related to system size should be shared by property owners independently from the rates charged to water and sewer customers.

There are many service locations on the sewer system that pass through elevations that will not allow for gravity to deliver sewage all the way to the sewer treatment plant. In order to provide service to these areas lift stations are required to pump sewage to a higher elevation in the system so it can continue to the treatment plant by gravity delivery. Just as the pressure reducing valves required on the water system create an additional maintenance expense, these lift stations create an additional maintenance expense for the sewer system. Unlike the pressure reducing stations that benefit all customers, the lift stations only provide benefit to those that are in areas where they are required. For this reason, the Task Force has included a nominal monthly fee to the billing for customers that live in areas served by lift stations.

DISPROPORTIONATE IMPACTS:

In addition to the above expenses specific to Homer's water delivery and sewer collection systems, other costs of operating the systems which the Task Force determined to be identifiable to specific users included:

High BOD waste; and water required for flushing dead-end lines

A nominal fee is recommended for the purposes of identifying the existence of high BOD waste contributors and to marginally off-set additional expenses related to treatment.

The water loss related to dead-end lines is considered a cost of the system in general and no fee was recommended in association with this impact.

Another potentially disproportionate impact that was identified but not quantifiable was the presence of facilities that have water delivered, but return sewage through the sewer without being billed.

OPTIONS FOR DISTRIBUTING COSTS TO CAUSERS:

The proposed rate model provides a spreadsheet for the calculation of water rates independent of the spreadsheet for calculating sewer rates, although the proposed structure continues the practice of billing sewage based on water usage. The singular exemption to this was in reducing the volume of projected sewage from the Spit due to the large volume of water used at the Port that is not returned as sewage.

When reviewing the proposed water model you will observe first that the model begins with the required revenue in mind. The required revenue is then reduced by a variety of alternative revenue sources including:

- Service fees (finance fees/number of customers)
- Hydrant Rents (10% of required water system revenues)
- Sprinkler Differential (\$5/month/identified user)
- Surplus (Bulk) Water sales (estimated sales X \$0.004)
- Dwelling Fees (\$5/month/business or residence)

This identifies the amount of revenues that need to be collected through the commodity (usage) rates. In the projection provided, consideration is also given for the potential reduction in water use that may result from the commodity based fee schedule (conservation).

Using this model, rate reductions are as easy as updating the "Total Water Revenue Requirements", the "Metered Sales Projections"; the "Number of Meters"; and the "Finance Department O/H" cells. Updating these cells will generate the "Water Rate" which is the commodity fee, and the "Metered Service Fee" which is rounded up to the next highest dollar amount and becomes the monthly base rate for water services.

The use and maintenance of the proposed sewer rates is very similar. Beginning with the projected annual revenue assumption reduced by:

Lift Station Charge (lift station maintenance costs/users);
High BOD fees (\$10/month/identified user);
Multi-residential facility & Kachemak City fees (\$5/month/identified facility);
Kachemak City Fees (less pumping);
Dumping Station Fees; and
Water Only Meters (no septic returned).

Resulting in the total revenue required through rates. Rates are allocated based on historic usage allocated to those meters that are in sewer return areas that require a lift station and those that are not to generate two rates; Non-lift zone customers – sewer rate/gal, and Lift Station Zones – Sewer Rate/gal.

Again, with the adjustment of the key cells, new rate projections become simple.

CRITERIA FOR EVALUATING THE SOLUTIONS:

Because the primary complaint regarding the current rate structure has consistently been the perception of unfairly allocating costs, the Task Force was assigned the responsibility of reviewing the current rate model and recommending new rates for the 2013 rates review process. Through reviewing not only the current rate model, but also the components of the water and sewer system and identifying not only the billed users, but also others that benefit from the system, the Task Force believes that the proposed commodity based, uniform rate structure provides the most fair distribution of the expenses for operations and maintenance of the water and sewer system.

In addition to the current rate model that is "class" based, with a large base rate, the Task Force considered rate structures designed to encourage conservation (increasing rates when usage increased); structures that encouraged usage (reduced rates as usage increased); and rates that were fully commodity based (a flat fee per gallon, regardless of base expenses and extraordinary expenses). Ultimately, it was determined that the proposed rate model would best meet the test of "fairness".

By distributing the administrative costs of billing between all customers and then charging the same rate per delivered gallon of water, water users can take control of their bill and no customer is subsidizing the use of another customer. By separating expenses related to making water available for non-standard uses such as fire protection and bulk water sales the model removes subsidies. Customers are merely being charged for the service they are receiving.

Similarly, on the sewer side subsidies are being removed by allocating extraordinary expenses related to lift stations and high BOD waste to the users that benefit from them, and multi-family dwellings are contributing proportionally to the cost of maintaining a larger system to accommodate sewage generated by more than one customer using the same metering system.

OTHER CONSIDERATIONS:

In developing the proposed rate structure, the Task Force accepted the costs that had been promulgated by the City Administration and approved by the City Council.

Eighty percent of the combined budgets are costs necessary for the treatment and delivery of water for the City and its customers, together with the cost of collection and treatment of the produced effluent. The remainder is the allocated cost of administrative service. The decision as to the size and appropriateness of that allocation, and the decision to use City employees to provide those services, rests with the City Council.

The Task Force does not believe that the proposed rate model will resolve all of the complaints regarding fairness in the allocation of the expenses for maintenance and operation of the water and sewer program, but we do feel that the concerns identified and those brought before us through public comment have been appropriately addressed through this model. Additionally, the model provides an ease of administration and future rate setting that if properly applied will help the City continue to adequately fund the program for years to come.

CONCLUSIONS:

In conclusion the Task Force is pleased to provide the City Council with the following recommendations with the anticipation of improved rate stability in the water and sewer program.

- Replacing the current rate model with the proposed commodity based model found on page A-1 - A-4.
- Continue to periodically review the allocation of administrative and other overhead expenses to ensure they properly reflect the actual expenses being charged to Water & Sewer.
- Clearly delineate water and sewer rates, by location, in future budget documents (i.e., revenue from City facilities and related expense lines in Port & Harbor, Water & Sewer, and other administrative budgets.)
- Confirm that ALL City of Homer facilities receiving water and sewer services are being properly metered and billed.
- Consider alternatives for refreshing the water in dead-end lines that does not result in the waste of large volumes of treated water.
- Renew the contract with Kachemak City and ensure that the rates adequately reflect the cost of this area on the system as a whole, including any added administrative expenses.
- Conduct rate-setting in a manner that will not allow political influences to result in the under collection of rates in the future.
- Establish a periodic meter inspection program to ensure that all meters are properly installed and reading.
- Customer/Tenant Fees as applied within the proposed rate model for Water and Sewer are defined as apartments, rental units, or multi-unit buildings where each unit has one or more restrooms. This fee applies to all units whether commercial or residential that is intended to be rented on a monthly basis or longer, excluding public or shared restroom facilities.

APPENDICES

Appendix A – Creation of the Task Force

- Resolution 12-027(A), Establishing a Water & Sewer Rate Task Force
- Resolution 12-094, Amending Resolution 12-027(A), The Composition of the Water and Sewer Rate Task Force to Allow Mayor Wythe to Continue to Serve
- Memorandum 12-161, Appointing of Councilmember Burgess to the Water & Sewer Rate Task Force

Appendix B – City of Homer Water & Sewer Rates

- Resolution 11-094(S), Maintaining the City of Homer Fee Schedule at the Current Rates and Amending Customer Classifications in the Water & Sewer Rate Schedules
- Ordinance 11-43, Amending HCC 14.08.037, Water Meters Regarding Number of Meters Per Lot
- Resolution 11-062(A) Maintaining the City of Homer Fee Schedule Under Water and Sewer Fees.

Appendix C - Budgets

- 2012 Operating Budget Water & Sewer
- City of Homer 2012 Operating Budget Fund 200 – Water & Sewer Special Revenue Fund
- Fund 400 - Water Fund Administration, Fund 400 Water & Fund 500 Sewer Fund Revenues
- City of Homer Year End 2011 Utility Special Revenue Fund 2011 Balance Sheet
- Year to Date figures Water & Sewer June 2012
- Year to Date figures Water & Sewer August 2012

Appendix D – Classifications & Sample Invoices

- Classifications & Average Monthly Usage for 2011
- Actual Random Sample Invoices depicting various gallonage used for comparison

Appendix E – Fire Protection, Flushing, Water Treatment Plant, Depreciation, Meter Sizes, Maps

- How Fire Protection Affects the Water System – Public Works
- Flushing Fire Hydrants & Water Mains- Public Works
- Water Treatment Plant Flows in Millions of Gallons – Public Works
- Depreciation Reserves Requirements and 2012 Depreciation Reserves – Water & Sewer – Finance Dept
- Maps Indicating Lift Station Locations and Areas Served – Public Works
- Number of Gallons of Water delivered to the Spit Annually – Public Works
- Staff Response to Questions regarding Staff time to produce Invoice – Finance Dept.
- Staff response to Questions regarding How Budget Numbers are calculated – Finance Dept.
- Staff Response to Number of Meeting Sizes - Meter Sizes & Number of Each Size – Public Works
- Staff Response to Question regarding Gallonage Used in the Harbor – Public Works

Appendix F – Spit Surcharges

- Resolution 04-94(S) (A), Amending Homer Fee Schedule Regarding Water Rates
- Resolution 04-95, Amending Homer Fee Schedule Regarding Sewer Rates
- Excerpt from City Council Minutes, 2004, regarding Resolution 04-94(S) & Resolution 04-95
- Resolution 05-121(A), Amending the City of Homer Fee Schedule Regarding Water Rates
- Resolution 05-122, Amending the City of Homer Fee Schedule Regarding Sewer Rates
- Staff Response Analysis on Proposed Spit Surcharge – Public Works

Appendix G – Public Written Comments

REFERENCES AND RESOURCES

Rate Setting for Small Water Systems, Texas Cooperative Extension Service, Texas A & M University System

Excerpt from Basic Guide to Water Rates, www.lwua.gov.ph/water_rates_08/rates_two.html

Chart Table 2-1 Annual Funds Required – Unknown Source

Anchorage Water & Sewer Rates 2012 www.awwu.biz/website/Customer_Service/water_tariff13-2.htm

Intergovernmental Agreement for Kachemak /Homer Wastewater System between Kachemak City and City of Homer, dated August 10, 1988

KPMG Peat Marwick, Water and Wastewater Utilities Rate Study, February 11, 1991

Montgomery Watson, Utility Rate Study, August 11, 1997

City of Homer 2000 Rate Model Matrix – Water & Sewer 2008 Rates Analysis Water & Sewer Enterprise Fund

City of Kenai Water & Sewer Rate Study Prepared by Kurt Playstead, CH2M HILL, February 7, 2011

M54: Developing Rates for Small Systems, the American Water Works Association, Copyright 2004

City of Soldotna Water & Sewer Rate Study Prepared by HDR Engineering (No date)

43 the Lease Committee shall consult with and seek comments from the Port
44 and Harbor Advisory Commission when the lease property is on land on the
45 Homer Spit surrounding the Port and Harbor area.

- 46 • Advising the City Manager or designee as to the terms, purposes, stipulations
47 and negotiation approach to proposed leases
- 48 • Reviewing all proposed leases **including lease transfers and renewals that**
49 **have significant financial implications to the interest of the City of**
50 **Homer** and making recommendations to the City Council.

51
52 (C) In all cases, the Lease Committee shall make recommendations that are consistent
53 with this policy and procedures manual or make specific findings as to why a
54 deviation is warranted and justified.

55
56 CITY OF HOMER
57
58
59
60 _____
61 DONNA ADERHOLD, MAYOR PRO TEMPORE

62 ATTEST:
63
64
65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK
67

68 Fiscal Note: Staff time and adverting costs

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor/Council

4 RESOLUTION 14-046
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING CHAPTER 2, SECTION 2.2(A) OF THE CITY OF
8 HOMER PROPERTY MANAGEMENT POLICY AND
9 PROCEDURES (LEASE POLICY) REGARDING COMMITTEE
10 MEMBERSHIP.
11

12 WHEREAS, The City Council has been reviewing all City Boards, Commissions,
13 Committees, and Task Forces to look for ways to reduce expenditures, redundancy, and
14 overlapping responsibilities; and
15

16 WHEREAS, The Lease Committee can be eliminated in its present form because other
17 existing Commissions can advise the Council on Lease Policies and lease proposal evaluation,
18 negotiation, and administration is more appropriately handled by the City Administration,
19 consistent with the City Code; and
20

21 WHEREAS, It is recommended that the membership of the Lease Committee be
22 changed back to its previous form by eliminating public members and making it an
23 Administrative Committee; and
24

25 WHEREAS, The reasons for abolishing the Lease Committee in its current form have
26 been summarized in Memorandum 14-066; a copy of which is attached and incorporated
27 herein.
28

29 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby finds that it
30 is in the City's interest to change the membership of the Lease Committee by eliminating
31 public membership and returning the Committee to an Administrative Committee.
32

33 BE IT FURTHER RESOLVED that Chapter 2, Section 2.2(A) is deleted in its entirety and
34 replaced with:
35

36 (A) The City Manager shall establish a Lease Committee that will at a minimum,
37 consist of the Finance Director, the City Planner, and the Port and Harbor
38 Director. The Lease Committee may consult with other department heads such

39 as the Fire Chief, Police Chief and Public Works Director, the City Attorney, or
40 outside professionals as needed and appropriate.

41
42 PASSED AND ADOPTED by the Homer City Council this 14th day of April, 2014.



CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

43
44
45
46
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48
49 ATTEST:
50
51 *[Signature]*
52 _____
53 JO JOHNSON, MMC, CITY CLERK

54
55 Fiscal Note: N/A

56



City of Homer

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Memorandum 14-066

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE March 29, 2014

SUBJECT: Lease Committee

The City Council has been discussing ways to reduce expenditures, redundancy, and overlapping jurisdictions by eliminating some committees and lowering the number of meetings for others. The staff currently spends a very significant amount of time providing support to the various Boards, Commissions, Committees and Task Forces and this can make them less productive with respect to their regular duties. The City budget cannot accommodate additional staff members so it is wise to maximize the time of the current staff. As one organizational policy expert put it, if your goal is inefficiency, gridlock, and employee burnout then appoint lots of committees!

The Lease Committee is one of the Committees under consideration for elimination; at least in its present form. I have been asked to summarize the reasons given for eliminating this Committee as it is presently structured.

- **Redundancy:** This committee is one of several that has been charged with reviewing the adopted Lease Policies and making recommendations to the Council. The Economic Development Commission and the Port and Harbor Commission have both undergone extensive reviews of the policies. This creates unnecessary confusion. One of the standing Commissions can handle review and recommendations regarding the Lease Policies.
- **Efficiency:** Business people and prospective lessees often complain about how long it takes to get anything done with the City. Streamlining the permitting and leasing process is in line with the "Open for Business" approach espoused by the Council. Lease applications can be reviewed, evaluated, and presented to the Council by the Administration. That is the way it used to be. This would save many weeks and is more consistent with the Administration's fiduciary duties under the Code.
- **Legal Concerns:** The City Attorney has expressed concern about having public members on a Lease Committee that reviews, evaluates, and participates in the lease

negotiation strategy process. This is the fiduciary responsibility of the City Manager under the Code. According to the City Attorney, inclusion of public members on the Lease Committee is problematic because of the Committee's role as advisor to the City Manager in the evaluation of lease proposals and the negotiation of lease terms with prospective lessees. In performing these functions, Lease Committee members may become privy to confidential information regarding the business plans, finances and operations of prospective lessees, and the City's strategy in negotiating with prospective lessees. The likeliest candidates to be public members of the Lease Committee are persons who may have business interests in competition with prospective lessees, or may themselves hold leases of City property in the harbor area, resulting in inherent conflicts of interest, the potential for misuse of confidential information, and opportunities to engage in various forms of anticompetitive behavior. Even if this conduct occurs without the City's knowledge or consent, the role of the actor as a Lease Committee member could expose the City to potential liability for that conduct. Another concern is that the Lease Committee, in its present form, may be subject to things like the Open Meetings Act and Ex-Parte Contact. It is impossible for the Staff members of the Committee to comply with those laws because of their other duties in the process, including frequent contact with the applicant and collaboration on evaluating proposals and lease administration generally. In other words, staff members talk to each other regularly and are privy to information that the other members of the Committee are not. Having the Lease Committee return to an Administration function eliminates that concern.

RECOMMENDATION:

Change the Lease Committee membership by eliminating public members and including only members of the Administration. The revised Lease Committee would have sole responsibility for evaluating lease proposals, negotiating terms, and making recommendations to the Council. The Council could request advice from another standing Commission, like the Port and Harbor Commission, on the Lease Policies, if it thought that to be appropriate.

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

