

# Bookmark Summary

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## March 6, 2019 Planning Commission Meeting

March 6, 2019 Planning Commission Work Session Agenda

Staff Report 19-20 Review of Height Restrictions

Robert Purcell email excerpt

Memo 19-016 from City Council

Josh Garvey comment

Minutes excerpt

## March 20, 2019 Planning Commission Meeting

Staff Report 19-25 Building Height Definition

Minutes excerpt

## April 3, 2019 Planning Commission Meeting

Staff Report 19-29 Building Height

Email from Commissioner Smith re: EEMU height limit

Minutes excerpt

## April 17, 2019 Planning Commission Meeting

Staff Report 19-33 Amending HCC 21.05.030 Measuring Heights

Draft Ordinance

Public Notice Advertisement

Minutes excerpt



**NOTICE OF MEETING  
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **Staff Report 19-20, Building Height Maximum**
4. **PUBLIC COMMENTS**  
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. **COMMISSION COMMENTS**
6. **ADJOURNMENT, 6:30 P.M.**





# City of Homer

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## Planning

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### Staff Report PL 19-20

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: March 6, 2019  
SUBJECT: Review of height restrictions

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**Introduction** We have been asked to look into regulations regarding the calculation of the maximum height of a structure when subjected to a flood elevation requirement. We have scheduled Robert Purcell to speak of the regulatory consequences of height restrictions.

**Analysis** While we were tasked in a specific manner to address one issue, there are other scenarios we should evaluate. One being the general definition of the measurement of height, regardless if located on land that is subject to elevation requirements.

Current code:

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

Another issue is about height in general. How would a greater or lower height allowance effect health, safety, and welfare?

These are just some subjects that come to mind in height conversation.

### Staff Recommendation

Discuss possible steps forward.

### Attachments:

Purcell email excerpt

Memo 19-016



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**From:** Robert Purcell <[rpurcell@ci.homer.ak.us](mailto:rpurcell@ci.homer.ak.us)>

**Sent:** Tuesday, February 26, 2019 1:15 PM

**To:** Travis Brown <[tbrown@ci.homer.ak.us](mailto:tbrown@ci.homer.ak.us)>

**Subject:** RE: Planning Commission Work Session Looking at Building Height Maximum

Good Morning Travis,

There has been a change to the Insurance Services Office (ISO) Fire Suppression Rating Schedule (FSRS). In the past, the ISO addressed buildings 3 stories or 35 feet in height overall. The new standard is buildings 3 stories or 32 feet or more in height (ground to eaves)". The issue is access to the roof, so measuring to the roof eaves is a better standard and allows more flexibility in roof design. The 3 stories standard is unchanged and it is the number of 3 story buildings in the City of Homer that is principally responsible for the need for a Ladder Company.

This is the new standard taken directly from the FSRS :

NUMBER OF NEEDED LADDER COMPANIES (NL): Individual ladder/service response areas with at least 5 buildings of 3 stories or 32 feet or more in height (ground to eaves) or with at least 5 buildings that have a Needed Fire Flow greater than 3,500 gpm or with at least 5 buildings meeting any combination of those criteria must have a ladder company.

When no individual response area needs a ladder company, the fire protection area needs at least 1 ladder company if buildings in the fire protection area meet the criteria above

A Ladder Company is an aerial apparatus (ladder truck) and its crew. Homer does not have a ladder company although we have far exceeded the 5 buildings meeting the criteria above. Nor do we have a fire station that can house an aerial apparatus due to the overall height of the apparatus. The issue is that it is difficult to impossible to effectively fire fires in buildings 3 stories or more or over 32' at the eaves without an aerial apparatus by using ground ladders. As a result, these structures are at a much higher risk if a fire breaks out, as are any occupants in the upper parts of the structure. This will usually result in higher insurance rates for these structures and because the community is effectively penalized with a lower ISO Rating due to the lack of a Ladder Company, the rates of the broader insurance market may also be negatively impacted with higher rates, principally on commercial properties. This is intended to create an incentive for the community to meet its full fire protection needs. The risk can and should be mitigated by requiring all buildings 3 stories or more or over 32' at the eaves to have a full fire sprinkler system installed.

Note: Both Kachemak Emergency Services and Anchor Point have aerial apparatus. We have mutual aid with both. However, because we are a separate fire protection area (note the ISO standard above) we do not receive credit for their apparatus and the response time is excessive so they would be of very limited use in most cases.

Recommendation:

Because the number of buildings in the City of Homer that already exceed the height standard or are 3 stories in height, the height limitation on new construction based on controlling community insurance rates is no longer relevant to the communities ISO rating. From fire and life safety perspective, it remains very relevant. The City of Homer Code should require all new construction 3 stories or more or over 32' at the eaves to have full fire sprinkler systems installed.

If you wish to include this text in the materials you will send out, please feel free to do so.

Robert Purcell

Interim Fire Chief

Homer Vol Fire Dept

907-435-7974

[rpurcell@ci.homer.ak.us](mailto:rpurcell@ci.homer.ak.us)







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## Memorandum 19-016

TO: HOMER ADVISORY PLANNING COMMISSION  
FROM: COUNCILMEMBERS SMITH AND ERICKSON  
THROUGH: HOMER CITY COUNCIL  
DATE: JANUARY 28, 2019  
SUBJECT: PLANNING COMMISSION REVIEW OF REGULATORY REQUIREMENT FOR FLOOD  
ELEVATION ON HOMER SPIT

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It has come to our attention that structures subject to increasing regulatory requirements for flood elevation may become noncompliant with height requirements due to circumstances out of their control.

**Homer's participation** in Federal Emergency Management Association (FEMA) Flood Insurance Program requires that new and rebuilt structures must elevate the bottom floor. This elevation is subject to change and is subject to increases in the future. **Compliance with FEMA's Flood Insurance Program** is critical for area wide insurance ratings and eligibility for FEMA funding.

The purpose of this memo is to request that the Planning Commission review the topic and consider a height allowance based on FEMA elevation requirements and prepare a draft Ordinance for review by City Council.



**From:** Josh Garvey <ceo@endofthespit.com>  
**Sent:** Tuesday, March 05, 2019 5:20 PM  
**To:** Travis Brown; Rick Abboud  
**Cc:** Jonathan Faulkner; steve agni  
**Subject:** FW: City Rules for Building Height  
**Attachments:** 3.6.19 WS.pdf; SR 19-20 height restrictions.pdf

Travis,

Thank you for keeping me in the loop on this. I will plan on attending this meeting.

While I appreciate the planning commission looking at building height restrictions for buildings with elevation requirements such as Land's End Resort, I would also suggest that this scope be broadened to include all structures in city limits, regardless of whether or not they have elevation requirements. These overly restrictive height requirements drastically reduce economic investment and development throughout the city and contribute to our overall housing shortage, especially in the low-mid income housing market.

Now that the insurance ISO ratings supposedly driving the height restrictions are not a factor, I really hope the planning commission will act quickly to recommend changes.

Thank you,

**Josh Garvey**  
**Land's End Acquisition Corp. – CEO**  
Phone: 907-235-0470  
Cell: 907-299-4577  
Fax: 907-235-0430  
Email: [ceo@endofthespit.com](mailto:ceo@endofthespit.com)



*...Just The Beginning*



- Further discuss permitting more than one structure in the GC2, this includes application of the Design Manual which is triggered by Conditional Use Permits in the CBD, this does not apply in the GC1 and GC2

Discussion ensued on the large project requirements commercial versus residential; Addressing the more than one structure in the commercial districts, open GC2, GC1 there were a few more considerations and in the CBD there were even more restrictions to consider.

City Planner Abboud responded that over time maybe one or two Conditional Use Permits were issued when comparing the “more than one structure” category with “over 8000 sf” category.

Further discussion on the things that the City oversees versus what they should be concerned about ensued and that those items fell under a Building Department not planning and zoning. The commission commented that it should forward a recommendation to Council that the Commission has thoroughly reviewed the Conditional Use process and that it does not believe there is any way to sufficiently amend the City Code to reduce the number of applications since there are too many variables other than the Code Amendments the commission spoke about tonight.

City Planner Abboud will wrap up what they talked about here bring it back for the Commission review and public hearing.

## **NEW BUSINESS**

### **A. Staff Report 19-20, Building Height Maximum**

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud commented on the topic and learning about the availability of residential sprinkler systems, three story buildings and how they measure height from Fire Chief Purcell at the worksession. He is not sure what direction to take on this issue noting that the City could possibly eliminate the issue of three stories if they are sprinklered.

Further discussion ensued with the Commission commenting on the following topics:

- FEMA requirements for the Spit and how that effects the height requirements
- Commercial three story building requirements on Fire Suppression systems
- Requiring conditions for commercial
- Evaluation of East End Mixed Use and codify the height with an exception in one district, Marine Commercial
- The need for three story commercial buildings
- Recommend Staff draft sprinkler code and bring back more info on the proposed regulation
- Have Fire Department involvement

↑  
Chair Venuti provided historical information on sprinkler system requirement in residential projects for the State.

**INFORMATIONAL MATERIALS**

- A. City Manager's Report for the February 11, 2019 Homer City Council meeting

**COMMENTS OF THE AUDIENCE**

**COMMENTS OF THE STAFF**

Deputy City Clerk Krause expressed apologies for omitting the page numbers on the Chair's Agenda.

City Planner Abboud commented on the holding the worksessions and further in development they haven't created a record to document the discussion such that they had tonight with Fire Chief Purcell. This is used to provide Council documentation of their work.

**COMMENTS OF THE COMMISSION**

Commissioner Bos stated that it was a good meeting and was disappointed that no one stayed in the audience like they had for the worksession. He believes that the worksessions are valuable and provide the Commission an opportunity to make worthwhile process on the issues before them.

Commissioner Bernard will be absent for the March 20<sup>th</sup> commission meeting.

Commissioner Bentz echoed Commissioner Bos' sentiments on the worksessions as it allows them to work through the details without the pressure of Robert's Rules and noted that she will not be attending the March 20<sup>th</sup> meeting either.

Commissioner Smith is finally not feeling like a rookie and really sees that they are a board that is advocating for the development of Homer and that they advocate and facilitate for the individual but with concern for the whole. He noted that he is learning the language and working with Council and so forth. He appreciates how everyone is diligent and works through everything with respect for each other. Tonight was very interesting and he thoroughly enjoyed it.

Commissioner Banks is a fan of the worksessions and believes they are pretty useful for the commission, educating them on a broad variety of subjects and toss around ideas. It is a prerequisite for decisions. He noted that they are going to finalizing a few things on their worklist and getting them completed before summer.

Chair Venuti appreciated the worksessions also and agreed that it was a good meeting tonight.



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### Staff Report PL 19-25

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 20, 2019  
SUBJECT: Building Height Definition

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#### Recap from 2/6/19 Work Session and Regular Meeting

Chief Purcell spoke at the last work session about Insurance Services Office (ISO) ratings, building height, life safety, fire department capabilities, and sprinkler systems. In summary, he provided information about the change in ISO ratings and evaluations, and that a building height of 35 feet was no longer the standard. He states in his email of February 26th that the new ISO standard is three stories, or 32 feet or more measured from ground to eaves. This new standard allows for more flexibility in roof design. Additionally, he recommended in his email that all three-story buildings have full fire sprinkler systems installed.

The current building height limit of 35 feet does allow for a three-story building, but limits a developer to a very low pitch roof. Changing the definition of building height, or how it is calculated, will give developers a little more leeway in roof design. Chief Purcell does not think that a small change in building height will affect the community's ISO rating. However, it is relevant from a life safety perspective, all three-story buildings, regardless of final roof height, should be sprinkled.

Based on Chief Purcell's comments, and Memorandum 19-016, the Planning Commission is looking at several topics related to building height. Staff would like to work through one to two topics per meeting. The 'topic list' as staff understands it is provided below.

1. Building height calculation in flood hazard areas
2. Definition of building height and grade
3. Existing sprinkler requirements in three story commercial structures
4. Building heights in EEMU, GC1, GC2, MC, MI
5. Sprinkler requirements for all three-story buildings, including residential
6. Should there be an allowance for buildings higher than 35 feet in the CBD?

**Staff comment:** This staff report has two sections below. The first section will address a possible code amendment to respond to Memorandum 19-016, regarding building height in flood hazard areas. The second section contains a discussion of the definitions of building height and grade. **Recommendation:** Work through section one and provide direction to the City Planner for next steps. Time allowing, discuss section two; does the city want to amend its height definition to allow for greater roof design variation? (We would follow that conversation up with a discussion of sprinklers, but first, does the Commission want to pursue this topic?)

## **Section 1 Building height in flood zones**

### **Analysis**

Staff has provided draft language for amending HCC 21.05.030, measuring heights. While there is a general standard of a 35 foot height limit, Homer City Code also specifies how this vertical distance is measured. See # 3 below. The proposed amendment would exclude the vertical distance for the required flood elevation, from the measurement of building height.

21.05.030 Measuring heights.

a. When measuring height of a building, the following are included in the measurement: screening, parapets, mansards or similar structures.

b. When measuring height of a building, the following are excluded from the measurement:

1. Steeples, spires, belfries, cupolas and domes if not used for human occupancy, chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flagpoles, wind energy systems, television and radio antennas, other similar features, and necessary mechanical appurtenances usually carried above roof level.

2. Wireless communications equipment that does not extend more than 10 feet above the height of the building.

### **3. Elevation from grade to lowest horizontal structural member of the lowest floor for buildings located within an area of special flood hazard.**

c. When determining building height on a sloping lot, building height shall be calculated as follows: more than 50 percent of the perimeter of the building shall meet the maximum building height requirements; the maximum elevation of the remainder of the building shall not exceed the elevation of the first portion nor add more than 12 feet of building height at any point.

d. When determining the height of a nonbuilding structure, such as a sign, fence, amateur radio tower, communications tower or wireless communications support structure, the height shall



be calculated as the distance from the base of the structure at normal grade to the top of the highest part of the structure, excluding lightning rods. For this calculation, normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any fill, berm, mound, or excavation made for the purpose of locating or supporting the structure. In cases in which the normal grade cannot reasonably be determined, structure height shall be calculated on the assumption that the elevation of the normal grade at the base of the structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, whichever is lower. [Ord. 14-18(A)(S-2) §§ 2, 3, 2016; Ord. 09-34(A) § 3, 2009; Ord. 08-29, 2008].

**Part 1 Staff recommendation:** Discuss the code amendment proposed above. Ask for any additional information needed, and when ready, ask staff to draft an ordinance.

## **Part 2 Building height and grade Analysis**

Homer generally has a current height limit of 35 feet. While it is possible to build a three story building in 35 feet, the options for roof design are limited. Additionally, from Chief Purcell's information, 35 feet is no longer a standard that merits strict adherence. There is a lot more conversation to be had about sprinklered buildings, but for the start of this topic, is the Commission interested in amending code to allow for roof variation?

Staff has included zoning code language from Kenai and Soldotna. Both communities have adopted the building code and have a building permit review and inspection process. Staff brings this up because the adopted zoning code may have district height limitations, but may not be the definitive measure of height – or grade. This conversation about the relationship and effect of a building code vs the zoning code is rapidly advancing beyond what Homer planning staff is knowledgeable about.

Homer City Code: *“Building height” is the vertical distance from grade to the maximum point of measurement of the building, measured according to HCC 21.05.030.*

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

**Soldotna:** "Building Height" means the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building. *(Staff note – generally, heights range from 36-48 feet)*

**Kenai:** “Building Height” means the vertical distance from the “grade,” as defined herein, to the highest point of the roof. *(Staff note: generally a 35 foot height limit in residential districts)*

“Grade (Ground Level)” means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

**2003 IBC Building Height:** The vertical distance from grade plane to the average height of the highest roof surface.

**Part 2 Staff Recommendation:** Be familiar with Homer definitions of height and grade. Briefly discuss if any changes should be considered, and provide staff direction. Should the City consider a code amendment to allow for more varied rooflines than are allowed under current code?

#### **Attachments**

~~Memorandum 19-016~~  
~~Minutes excerpt from 3/6/19 meeting~~  
~~2/26/19 email From Chief Purcell~~

These attachments  
are already included  
in the packet

Motion failed.

Commissioner Smith commented that he was in support on going forward with direction from City Council.

Chair Venuti requested a motion to forward a request to City Council.

Commissioner Bos stated he would support the statement made previously by Commissioner Banks.

Deputy City Clerk Krause read the statement:

BOS/BANKS MOVED TO REQUEST DIRECTION FROM CITY COUNCIL TO UPDATE THE PLANNING AND ZONING SECTION OF THE CLIMATE ACTION PLAN.

There was no discussion.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated. Chair Venuti requested a roll call vote.

VOTE. YES. BANKS, BOS, SMITH, VENUTI

VOTE. NO. HIGHLAND.

Motion carried.

C. Staff Report 19-25, Building Height

Chair Venuti introduced the item by reading of the title.

City Planner Abboud provided information and review on the discussion from the worksession with Fire Chief Purcell regarding ISO rating and building height limitations. He referenced the memorandum in the packet and suggested the Commission work through section one and if time allowed section two.

City Planner Abboud provided a brief explanation on how the vertical distance is measured currently in Homer City Code 21.35.030. He clarified how effectively the Fire Department fights fire now as well as he understood Chief Purcell's explanation.

Further discussion and comments ensued on determining building heights and how the determination of 35 feet in maximum height.



City Planner Abboud recommended waiting on having a discussion or recommendation on sprinkler system regulations. He reaffirmed that he is not advocating a blanket increase for building height.

Commissioner Banks recommended specificity in location on the structural member.

City Planner Abboud responded that in addressing the particular location this was the recommended language from FEMA.

Commissioner Smith reiterated a discussion the Commission had at the last meeting that whatever they drafted they would submit it to the Fire Chief for review before submittal to Council. He then informed the Commission that he had a discussion with one local company who advocated for 52 feet height limit and is currently playing phone tag with another company and suggested that they have a worksession prior to the next meeting with those two for official communication so the Commission can have a discussion on height limitations in Commercial versus Residential applications to allow for flexibility.

Chair Venuti inquired if Commissioner Smith was making a motion.

City Planner Abboud did not recommend addressing residential unless the Commissioners felt it was really necessary. He preferred to review it by district.

There was a brief discussion on further review and proper input on the issue and bringing it back for additional discussion by the Commission.

#### D. Staff Report 19-26, Permitting Process and Building Location Verification

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a very brief summary of requested action for Staff by the Commission.

Commissioners recommended inviting local contractors, surveyors, realtors and person who performed clearing and or dirt work.

City Planner Abboud responding to a question from Chair Venuti that there was one issue within the last year before the commission that was required to purchase additional property and had to replat their property.

Additional discussion was entertained on the following points:

- adding the requirement of providing an Asbuilt upon completion of the project
- Making it a requirement of the conditional use permitting process
- Good conversation the commission should have in a worksession
- Preference to leave some ability for conceptual planning



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### Staff Report PL 19-29

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: April 3, 2019  
SUBJECT: Building Height

### Introduction

- The goal at this meeting is for the Commission to continue discussions on building height. We will continue working from last meeting's staff report, SR 19-25. It is attached to this report with the minutes.
- Commissioner Smith provided an email about some conversations he has had with businesses located in the East End Mixed Use District. Currently, EEMU allows for a building height of 35 feet. I'd like the Commission to think of some questions they would ask the business owners and the Fire Chief, so that staff can put together a work session in May.
- What is the level of interest on the Commission to require sprinklers on all three-story buildings – residential and commercial? What additional information would you like to have prior to making a recommendation?

### Analysis

Staff has continued to analyze the draft code amendment concerning building height measurement, within a flood area. The language below is staff's new recommendation:

**For buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height.**

If the Commission is satisfied with this language, please make a motion and move to public hearing.

### Attachments

- ~~1. Staff report 19-25 from 3/20/19 meeting~~
  - ~~2. Minutes excerpt from 3/20/19 meeting~~
  3. Email from Commissioner Smith re: EEMU height limit
- These attachments are already included in the packet

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

#### **A. Staff Report 19-29, Building Height Maximum**

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen reviewed the three items of action that is requested of the Commission:  
1. Approve the recommended amended language, *for buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height* and forward to Public Hearing.

Deputy City Planner Engebretsen explained that in further review of the existing city code that this recommendation would fit the broadest number of categories, it could be a future standard.

Commissioner Bentz questioned the typical vertical distance for applicable properties.

Deputy City Planner Engebretsen responded that it would be dependent on the location as the Spit, Beluga Lake or Old Town would be different. She noted that it addresses the request from Council and does not answer all the questions with Building Height issue and moving forward this would be one solution.

**BOS/HIGHLAND MOVE TO AMEND HOMER CITY CODE CONCERNING BUILDING HEIGHT MEASUREMENT WITHIN A FLOOD AREA WITH LANGUAGE RECOMMENDED IN STAFF REPORT 19-29 AND MOVE TO A PUBLIC HEARING.**

There was a discussion on possible issues with height, definition of grade, and nuances in city code. There was some concerns expressed by the Commission with creating more issues especially with a limitation of 35 feet and that this would address the difference in the height that due to flood issues you could not build.

Clarification was provided by Staff:

- that the recommendation was to address specific issues as requested;
- was not particularly time sensitive
- easier to address specific sections than the whole
- This change does not allow additional usable occupied space in the structure

Chair Venuti asked if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

To: Rick/Travis  
From: Scott Smith  
Date: March 27, 2019  
Re: EEMU Build Height Discussion

Greetings,

I was finally able to have a talk with Ken Moore, owner of Northern Enterprises. He offered insights on the inability to truly serve the growing Homer fleet of vessels due to the current building height limitations.

He reflected on how most commercial boat owners have to build temporary sheds often costing in excess of \$20,000 to be able to work on their vessels. These temporary structures are built as extensions to structures owned by Northern Enterprises to facilitate the needed repairs and alterations. Mr. Moore said they dreaming of building a structure that would have 50' to 60' doors into which a commercial vessel could fully fit without the need to build a temporary shed. If the Planning commission could increase the building height in this area, they would probably move forward with construction. He offered the building would need sufficient height to have a sloped roof rather than flat roof which has much higher maintenance costs, which will need to be considered in the discussion.

Both Mr. Moore and Mr. Alan Engebretsen would attend a Work Session to answer direct questions from the Planning Commission. Mr. Moore is in Utah and would need to be phoned in. Mr. Moore suggested we include Eric Sloth, owner of Sloth Boats, who does additions and repairs on fiberglass boats in Homer.

Mr. Engebretsen offered a building of 52' would be very helpful toward their desired growth. He has other suggestions that are worthy of consideration.

I am suggesting we have a work session soon including these three men to discuss the topic of Building Height in the EEMU district as soon as possible. I am happy to set this up.

Contact information:

Alan Engebretsen	907-399-4895
Ken Moore	907-299-0188
Eric Sloth	907-435-7881





Commissioner Smith spoke with some business owners in EEMU who recommended building heights and Staff would like input from Commission on scheduling a worksession with these businesses and the Fire Chief to discuss building heights and sprinkler systems.

Discussion ensued by the Commission on points of interest in addressing during the worksession for the following:

- EEMU as industrial uses, No residential space in the buildings or use of short term rentals.
- Viewshed issues
- Possible limitation of residential use to the first floor only
- Composition of structure steel versus wood due to size
- Fire Marshall approval requirement
- The use of combustible materials used in the boat building industry

Item three for discussion was Fire Sprinkler System requirements for three story buildings

Deputy City Planner Engebretsen inquired what additional information the commission required before making a recommendation.

Discussion ensued and covered the following points:

- Information on measurements
- Definition in city code for "story" there is definitions to support the determination of a 2 or 3 story building
- Consideration of a building that is on pilings/piers
- If a structure has a daylight or basement that is considered a story
- Building a structure with 8 foot walls and height to 30 feet would allow only for a flat roof
- Most residential buildings are 1 or 2 story

Commissioner Banks expressed concern if the discussion should follow building heights instead of preceding it stating that currently there is probably not many, if any 3 story commercial buildings. He opined that the Commission should consider building heights then sprinkler systems.

There was a brief discussion on applying the standard language when speaking with the contractors and outlining the schedule for discussion on building height and sprinklers for the meetings in April, May and June.

Discussion ensued briefly on fire service to structures that are higher than the Fire Department is able to service further comments on choosing not to regulate to that standard.

#### **B. Staff Report 19-30, Permitting Process and Building Location Verification**

Chair Venuti noted the feedback received during the worksession.

Commissioners then commented on the following:

- lack of the perspective from a surveyor and emphasized the benefits from hearing from that profession
- enforcement of regulations
- Asbuilts





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### Staff Report PL 19-33

TO: Homer Advisory Planning Commission  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: April 17, 2019  
SUBJECT: Amending HCC 21.05.030 Measuring Heights

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#### Introduction

The Homer City Council sent Memorandum 19-016 to the Homer Advisory Planning Commission in January 2019. The Council requested the Commission review the requirements for elevating buildings within flood zones on the Spit, in regard to building height limits. The Commission discussed building height at their 2/6/2019 work session, and March 6<sup>th</sup>, March 20<sup>th</sup> and April 3<sup>rd</sup> meetings. The Commission determined that amending how building height is measured in special flood hazard areas would address the issue of buildings that exceed the 35-foot building height limit due to flood plain requirements to elevate the building. The Planning Commission is working on several topics relating to building height, and further amendments are expected over the coming months.

#### Analysis

FEMA requires buildings to be elevated above the designated flood plain. Further elevation of one foot is a recognized best practice and is required by the City. Elevating the building two feet above the floodplain is not a regulatory requirement at this time, but property owners receive a discount on insurance.

HCC 21.05.030 Measuring Heights, describes how building height is measured, and includes exceptions to those rules. The proposed ordinance would create a new exclusion from building height measurement. The distance from the ground (grade) to two feet above the base flood elevation would not be included in the measurement of building height.

#### 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: 2018 Comprehensive Plan Chapter 4 Land Use Goal 3 Objective A supports creating a clear, coordinated regulatory framework to guide development. The code amendment will reduce conflict between flood hazard regulations and building height regulations.*

b. Will be reasonable to implement and enforce.

*This amendment will be reasonable to implement and enforce. All new or substantially improved structures planned within areas of special flood hazard are required to provide pre and post construction elevation certificates from a licensed surveyor.*

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

*This amendment promotes health, safety and welfare by preserving the right of building a three-story building while allowing the structure to be elevated above the flood hazard area.*

d. Is consistent with the intent and wording of the other provisions of this title.

*This amendment is consistent with the intent, wording and purpose of HCC Title 21.*

### **Staff Recommendation**

Conduct a public hearing, and forward a recommendation to the City Council.

### **Attachments**

- |                                    |   |
|------------------------------------|---|
| 1. Draft Ordinance                 | This attachment is already included in the packet |
| <del>2. Memorandum 19-016 CC</del> |   |

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**CITY OF HOMER  
HOMER, ALASKA**

-Sponsor

**ORDINANCE 19-xx DRAFT**

AN ORDINANCE OF THE CITY COUNCIL, AMENDING HOMER CITY  
CODE 21.05.030(b) TO CHANGE HOW BUILDING HEIGHT IS  
MEASURED WITHIN AREAS OF SPECIAL FLOOD HAZARD.

WHEREAS, The building height limit is generally 35 feet which allows for three stories;  
and

WHEREAS, Buildings located within a special flood hazard area are required to be  
elevated above the regulatory flood plain, which may cause a three story structure to be  
nominally taller than 35 feet; and

WHEREAS, Buildings of three stories can be accommodated by excluding the distance  
between grade and the required flood plain elevation when calculating building height, and

WHEREAS, Buildings must be elevated one foot above Base Flood Elevation under HCC  
21.41, 21.41.240 and 21.41.250 ; and

WHEREAS, FEMA guidance offers incentives for higher flood protection, such as  
buildings two feet above the Base Flood Elevation, and may require this in the future; and

WHEREAS, Amending how building height is calculated within special flood hazard  
areas, with allowance for advanced, superior proactive elevation is in the long term interests  
of the city to protect structures win flood hazard areas.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.05.030(b)(3) is hereby amended to read as follows:

**3. For buildings located within an area of special flood hazard, the vertical distance  
between grade and the Base Flood Elevation (BFE) plus two feet is excluded from  
the calculation of building height.**

Section 2 or the last section. This Ordinance is of a permanent and general character.  
and shall be included in the City Code.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

\_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

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

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

## **PUBLIC HEARING NOTICE**

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, April 17, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matters:

**Request for Conditional Use Permit (CUP) 19-04 to allow a group care home at 397 E. Pioneer Avenue, under Homer City Code (HCC) 21.18.030(k). The request is to approve a residential drug and alcohol treatment facility. CUP approval is also required for the building area to exceed 30% of the lot area, under HCC 21.18.040(d). The proposal is located on the following 3 lots: Lots 5 & 6, Block 6 and Lot 5, Block 7 Glacier View Subdivision, T.6S., R.13W., S1/2, NE1/4, NW1/4 Sec. 20, S.M.**

**An Ordinance of the City Council of Homer, Alaska amending Homer City Code 21.05.030(b) Measuring Heights, to exclude the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet from the calculation of building height for buildings located within areas of special flood hazard.**

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposals are available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.

PLEASE PUBLISH ONCE

ACCOUNT 100.0130.5227





Commissioner Smith departed the meeting at 8:12 p.m.

**B.** Staff Report 19-33, An Ordinance of the Homer City Council Amending HCC 21.05.030(b) to change how building height is measured within areas of special flood hazard.

Chair Venuti introduced the item by reading of the title.

Deputy City Planner Engebretsen provided a summary of the report for the Commission.

Chair Venuti opened the Public Hearing.

Josh Garvey, CEO, Land's End Resort commented in support of the ordinance.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT 19-33 AND FORWARD THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.05.030(b) TO CHANGE HOW BUILDING HEIGHT IS MEASURED WITHIN AREAS OF SPECIAL FLOOD HAZARD TO CITY COUNCIL FOR APPROVAL.

There was no discussion.

Chair Venuti inquired if there was any dissent.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

## **INFORMATIONAL MATERIALS**

- A. City Manager's Report for the April 8, 2019 Homer City Council meeting
- B. Kenai Peninsula Borough Notice of Decision for Commercial Park Unit 2 Preliminary Plat

## **COMMENTS OF THE AUDIENCE**

## **COMMENTS OF THE STAFF**

Deputy City Clerk Krause commented well done.

Deputy City Planner Engebretsen commented thank you for smooth meeting.

## **COMMENTS OF THE COMMISSION**

Commissioner Highland welcomed Commissioner Petska-Rubalcava to the Commission.

Commissioner Bos complimented the Chair on a well-run meeting and welcomed Commissioner Petska-Rubalcava to the commission.

