



# City of Homer

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

## Planning

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### MEMORANDUM 19-069

TO: MAYOR CASTNER AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD AICP, CITY PLANNER  
DATE: MAY 1, 2019  
SUBJECT: LIGHTING STANDARDS IN THE URBAN AND RESIDENTIAL ZONING DISTRICTS

Recently the Planning Commission was reviewing past CUP's for opportunities for reductions of CUP's. During this process, they noted that one of the most prevalent conditions listed regarded adherence to lighting standards. With most of the CUP's, this condition the condition was redundant, as most all districts with the exception of Rural Residential (UR) and Urban Residential (RR) already have applicable standards in existing code. The Planning Office included the condition to emphasize compliance because it was frequently overlooked in many of the developments approved with CUP's.

As the discussion about lighting standards ensued, the Commissioners thought that it would be beneficial to apply the lighting standards uniformly throughout the RR and UR districts and not to just to the subjects of CUP's.

It was moved and approved by unanimous consent that the Commission forward the draft ordinance to City Council for approval. This item was discussed at five meetings of the Planning Commission including a public hearing on the meeting of April 3, 2019.

### Attachments

Staff reports & minutes from the following recent Planning Commission meetings:

- February 6, 2019
- February 20, 2019
- March 6, 2019
- March 20, 2019
- April 3, 2019



# Bookmark Summary

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February 6, 2019 Planning Commission Meeting

Minutes Excerpt

February 20, 2019 Planning Commission Meeting

SR 19-16 Review of CUPs

Minutes Excerpt

March 6, 2019 Planning Commission Meeting

SR 19-19 Review of CUPs

Minutes Excerpt

March 20, 2019 Planning Commission Meeting

SR 19-23 Review of CUPs

Draft Ordinance

Minutes excerpt

April 3, 2109 Planning Commission Meeting

SR 19-28 Lighting Standards for RR and UR

Draft Ordinance

Public Notice Advertisement

Minutes excerpt



- Preconstruction and Post Construction verifications

## **REPORTS**

### **A. Staff Report 19-09, City Planner's Report**

City Planner Abboud provided a summary of his report for the commission noting the following:

- A request from the City Council to review the regulatory requirements for flood elevations on the Homer Spit
- A future worksession on the Climate Action Plan
- A member on the Borough Transportation Steering Committee.

There were no questions or comments from the commission.

## **PUBLIC HEARINGS**

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

### **A. Staff Report 19-11, Review of Permitted and Conditionally Permitted Uses**

City Planner Abboud reviewed the spreadsheet provided on the Conditional Use Permits issued since 2007 noting that they were categorized by conditions and district located. He further reviewed the list commenting that the majority were issued for "more than one" structures and second most used was "more than 8000 square feet".

City Planner Abboud suggested that the Commission could consider the impact and usefulness of a CUP under the various district when regulating for dimensional, open space, and buffer requirements or any other requirements. He was open to their input on identifying uses for additional study or consideration of elimination.

The Commission discussed or questioned the following items:

- Did any Conditional Use Permit for a "more than one" ever fail?
  - o There did not appear to be any permits failed by previous Commissions other than the two listed
- The requirement to address down lit lighting and the screened dumpster could be written into code so it would not need to be addressed on each application received.
  - o Lighting requirements are only addressed for commercial districts not in the residential districts
  - o Dumpster is normally triggered by multi-family or commercial projects
- Are existing buildings grandfathered in or how is that handled?
  - o Those situations are addressed by Homer City Code 21.59.010. Nuisances.
  - o Lighting issues require a cultural change and the ability to purchase the required fixtures such as shielded lighting fixtures





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### Staff Report PL 19-16

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: February 20, 2019  
SUBJECT: Review of “more than one” conditionally permitted uses

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#### Introduction

After having a look at the various CUP's in consideration of district, multiple triggers, and conditions, I was asked to make a display of the various requirements and other regulation triggers throughout the districts. I have produced a spreadsheet that compares the requirements in relation to the districts.

**Caution:** This spreadsheet provides a good overview of the information, but is not exact. I have condensed some the information. For the most accurate display of information, please consult your code book.

#### Analysis

Recently the most popular CUP is for 'more than one' in the Rural Residential District. These are tempered with the requirement of 10,000sf per dwelling unit with the provision of public water and sewer. They also seem to gather the most attention at public hearings, especially in well-established subdivisions. If they were to subdivide, more money and land would have to be committed to infrastructure. In the end, many of the proposals (if they still made fiscal sense) could be developed with the deletion of a structure to make up for the land needed for road construction.

A side conversation ensued about the multiples in RR. We would be more responsive to goals of the climate action plan if we were to allow even more density. This leads us down the path of rezoning areas served by water and sewer to make that allowance. But, this is somewhat of a digression of the issue of cutting back on the amount of CUP's.

Considering the most common conditions placed on the 'more than one's', lighting and dumpster screening were the most cited. Again, I want to remind that the absence of other conditions may be driven by working with the office in the development of the application. That aside, my latest spreadsheet shows that in all districts except RR and UR are bound by lighting standards in code.



When the standards in code are compared with the suggestions/standards in the Community Design Manual (CDM), I fail to see much utility in the CDM version. We already cover the ground in most districts. Below is the relevant code and CDM language for comparison.

Dumpster screening is unique to CUP's. We could try to craft some code to make a requirement that might captures the areas of concern and add a lighting standard with them to cover the ground in RR and UR. My first thoughts are with the multi-units or multi-family dwellings on a lot. A multi-family by definition is 3 or more units. That way they don't apply to single family homes.

## **Lighting**

Lighting requirement come from two sources, the Community Design Manual and city code. They differ somewhat. Code only prescribes the Design Manual Standards in the Town Center District, otherwise the Design Manual Standards are only applicable to CUP's in the districts indicated in the manual.

### **HCC 21.59, Off-Site Impacts**

*HCC 21.59.010(d), Heat and Glare. No activity shall produce objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site).*

*21.59.020 Lighting standards – General.*

*The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].*

*21.59.030 Lighting standards – Level one.*

*When level one lighting standards apply, the following are required:*

*a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.*

*b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.*

*c. No outside lighting shall be installed so as to cause light trespass or glare.*

*d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.*

*e. Prohibited lighting includes search lights and laser lights.*

*f. Exceptions to this section may be granted to the extent necessary in any of the following situations:*

*1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.*



2. *In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.*

3. *Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.*

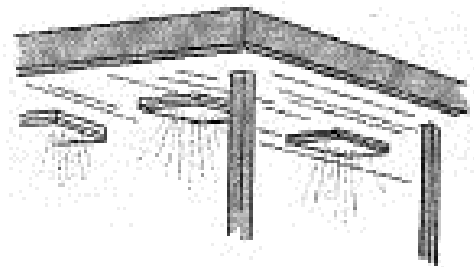
## **Community Design Manual**

### **Building Lighting:**

Lighting may be used to accent a building but shall not be used to denote a corporate or commercial image except on allowed signage. Lighting may be directed to a building but should generally not emanate from a building.

1. **Avoid back-lit panels and awnings.** Translucent panels and awnings illuminated from behind are prohibited. This shall not exclude soft light being emitted from windows.
2. **Keep light source hidden from public view.** Except for decorator lights with frosted lenses or which use clear bulbs (e.g., candelabra bulbs) light sources shall be concealed behind soffits, within recessed containers, behind shrubbery, etc.
3. **Avoid bright lighting on outdoor surfaces of buildings.** Outdoor building lighting is limited to low levels except that more intense lighting is allowed at building entrances.
4. **Avoid colored lighting on buildings.** Colored lighting is limited to temporary holiday lighting only.
5. **Apply utility lighting sparingly.** Utility light fixtures which have an industrial or utilitarian appearance may be used for security lighting on buildings, but shall not be used in areas of concentrated lighting (e.g., service station canopies) unless the fixtures are not seen from public rights-of-way.

***High intensity light sources may not be visible to the public. Fixture designs of an industrial or utility appearance shall be avoided.***



**6. Lighted accents, canopies, color bars, stripes or areas.** Buildings with lighted accent areas are using this device to call attention to the business. These areas should be used sparingly and are counted as part of the allowed sign area.

## **OUTDOOR LIGHTING**

### **Applicable Areas**

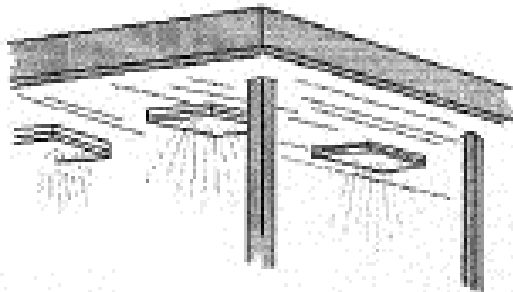
***Within Areas Zoned CBD, RR, UR, RO, GBD, SGCOL and the portion of GC1 lying south of Beluga Lake:***

*All uses*

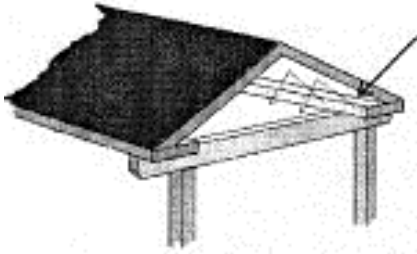
*The primary purpose of outdoor lighting is to improve visibility and safety within outdoor spaces. However, light can also enhance a setting if the intensity and source of the light corresponds to the visual character of the surroundings.*

- 1. Keep light source hidden from public view.** *Except for streetlights installed in rights-of-way, all light sources, whether on public or private property, shall be hidden or conform to light standards specified herein. Light sources (e.g., light bulbs) shall not be visible except on approved decorator lights. Sources of high intensity light, whether behind a lens or not, shall not be visible to the public.*

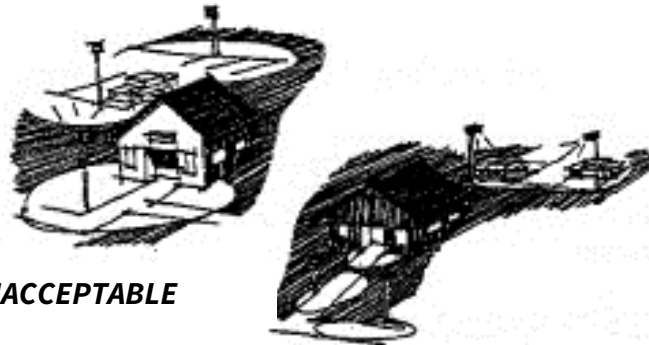
***High intensity light sources may not be visible to the public. Fixture designs of an industrial or utility appearance shall be avoided.***



***Indirect lighting keeps light source hidden from the public's view. Recessed spot lighting may supplement indirect lighting where more direct lighting is desired.***



2. **Use downward directional lighting.** All lights more than 7 feet above the ground shall be downward directional lighting.



**UNACCEPTABLE**

**ACCEPTABLE**

3. **Avoid lighting large areas with a single source.** Large areas may be lit with a number of low intensity sources close to the area requiring illumination; illumination of a large area with a remote single source of light shall be avoided.
4. **Avoid excessive light throw.** Lighting shall not be cast beyond the premises and shall be limited to illumination of surfaces intended for pedestrians or vehicles. Illumination of landscaped areas shall be avoided unless lighting is part of the landscape design or the area is intended for recreational use.
5. **Choose approved outdoor light designs.** The following lighting types are approved:
- "Shoe box" style pole lamps** to be approved as appropriate for district (downward directional).
  - Ornamental pole lamps** - to be approved as appropriate in color and style for

district.

c. Bollard lights - to be approved as appropriate in color and style for district.

**6. Avoid light fixture designs which have an industrial appearance.** Designs of an industrial or utility appearance shall be avoided on all fixtures visible to the public, e.g., mercury vapor lights, cobra lights, etc.



NO!



NO!



NO!



YES!

**Except for the "shoe-box" style light on the right (which is downward directional), these other lights are too industrial in their appearance and are designed for illuminating large areas with a single light source.**

### Finally

Creating the tables has been fairly intensive, but has helped to clarify the big picture. There are still some possible displays/tables that may clarify some of the issues we are looking at in regards to revising the CUP standards for structures greater than 8000sf. Please consider what you might want to look at in relation to the subject.

### Note:

In the uses table, you will find that the CUP requirement for a structure containing more than 8000sf of building area (all buildings combined) is coupled with the requirement that the building area not be in excess of 30% of the lot area in RO and the commercial districts except MC and MI where 70% is acceptable.

**Staff Recommendation**

Discuss possible steps forward.

**Attachments:**

Development Requirements Table

**Development Requirements Table**

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	EEMU	MC	MI
<b>Site plans</b>											
level 1	X	X	X	X	X	X	X	X	X	X	X
level 2							X	X	X		X
<b>Stormwater level 1</b>											
>25,000 of new impervious	X	X	*								
>1 acre impervious	X	X	*								
>1,000cy of materials moved	X	X	*								
creates slope >3:1 that exceeds 10ft toe-top	X	X	*								
<b>Stormwater level 2</b>											
>60% impervious coverage of lot			*	X	X	X	X	X	X	X	X
>25,000 of new impervious			*	X	X	X	X	X	X	X	X
grading >1 acre			*	X	X	X	X	X	X	X	X
>10,000cy of grading materials			*	X	X	X	X	X	X	X	X
creates slope >3:1 that exceeds 10ft toe-top			*	X	X	X	X	X	X	X	X
Clearing or grading on >25% slope or w/i 10ft of wetland,water course, or water body			*	X	X	X	X	X	X	X	X
<b>DAP level 2</b>											
>10,000sf of clearing or grading			*	X	X	X	X	X	X	X	X
>5,000sf of additional impervious			*	X	X	X	X	X	X	X	X
>1,000cy of materials moved			*	X	X	X	X	X	X	X	X
creates slope >3:1 that exceeds 5ft toe-top			*	X	X	X	X	X	X	X	X
diversion of existing drainage course entry/exit			*	X	X	X	X	X	X	X	X
Clearing or grading on >20% slope or w/i 20ft of wetland,water course, or water body			*	X	X	X	X	X	X	X	X
<b>Slope standards</b>											
>15% slope	X	X	*	X		X	X	X	X	X	X
<b>Dimensional requirements</b>											
40-20-10k lot size dependent on water/sewer	X								X		
7500 minimum lot size			X*	X							
6,000 minimum lot size				X	X						X
20000 minimum lot size						X				X	
10000 minimum lot size							X	X			
<=75,000sf retail/wholesale					X		X*	X	X		
<=35,000sf retail/wholesale							X*				
<=25,000sf retail/wholesale										X	X
<b>Multi-family requirements</b>											
floor area not more than 4/10 the lot area	X	X	X	X		X					
open area, at least 1.1 times total floor area	X	X	X	X		X					
<b>Lighting standards</b>											
level one, HCC21.59.030 design manual			X	X	X	X	X	X	X	X	X
					X						
<b>Site development standards</b>											
level 1	X	X	X*		X						
level 2			X*	X		X	X	X	X		
level 3										X	X
level 1 ROW access plan	X	X								X	
level 2 ROW access plan			*	X	X		X	X	X		X
level 3 ROW access plan						X					
traffic requirements			X	X	X	X	X	X	X	X	X
nuisance standards			X	X	X	X	X	X	X		X
architectural standards					X	X					
screening							X		X		

2. ADD A PLAT NOTE CONCERNING THE HOME LOCATED IN THE SECTION LINE EASEMENT. SAMPLE LANGUAGE COULD INCLUDE THE FOLLOWING STATEMENT: ACCEPTANCE OF THIS PLAT DOES NOT SIGNIFY ACCEPTANCE OF ANY NONCONFORMING STRUCTURES. THE BOROUGH CAN PROVIDE GUIDANCE ON THE WORDING

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PENDING BUSINESS**

**A.** Staff Report 19-16, Review of conditionally permitted uses

Chair Venuti read the title into the record and gave the floor to City Planner Abboud.

City Planner Abboud reviewed Staff Report 19-16 for the commission. He made the following points:

- The spreadsheets are wonderful tools, they are not exact, check the code book
- Asterisk represent a variation in conditions
- Gain and loss of requiring infrastructure versus letting owners build multiple dwellings along with platting
- Allowing more density would be responsive to the Climate Action Plan
  - o Would require rezoning areas served by water and sewer
  - o Digression on the issue of reducing conditional use permits
- Lighting standards and Dumpster Screenings changes to city code that would capture the necessity of those requirements
- Requirements to review the CDM is difficult since it wanders, inconsistency and requires some work
  - o Review of the lighting requirements between City Code and the CDM

Chair Venuti commented on property owner's installation of lighting fixtures that impact neighbors and they are not aware of how much the light may impact their neighbors.

City Planner Abboud responded that there is plenty to chase around on the situation with lights in Homer and they could try to address this but it is challenging since they are being directed to address other things.

Commissioner Smith inquired about mercury light fixtures owned by Home Electric Association is the same standard applied.

City Planner Abboud responded that he would divide everything up on property owners; they cannot rule on lighting in the right of ways. He would hope that those lights get replaced since they are inefficient and old. He stated that they could speak to HEA. Property owners are charged and it would be nice to see if they could usher in a change.







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## Staff Report PL 19-19

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner AICP  
DATE: March 6, 2019  
SUBJECT: Review of “more than one” conditionally permitted uses

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**Introduction** We created tables and have taken note of the districts, types of CUP’s, and conditions applied to those approved. Generally, we have found that most types of CUP’s benefit from the additional involvement of the public, Planning Commission, and the application process.

We have found that most CUP’s are unique and conditions and proposals may vary greatly. Additionally, many CUP’s have multiple ‘triggers’. Due to these facts, we find it unlikely that we could simply address an item or two that might make a significant dent in the amount of applications that are processed annually.

While we were taking an in-depth review of code, we have identified some opportunity to address some CUP scenarios in some specific districts.

**Analysis** The Commission asked for some language to address the standard conditions of lighting and dumpster screening that is commonly a condition of the popular ‘more than one’ CUP’s. My suggestion is for the development of code that addresses lighting standards in the UR and RR districts that apply to a lot that supports 3 or more dwelling units.

The lighting standards amendment fits into the code fairly well. We can add language to UR and RR,

### 21.1X.090 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support 3 or more dwelling units on a lot.

Screening requirements for dumpsters is a bit more complicated and will require input from the attorneys. My concept involves adding language to 21.50.020, Site Development Standards. I believe we could add a subsections in level 1 and level 2 standards (we need both because the standards are not cumulative) or possibly, with attorney input, we could add a section labeled screening. An example is provided for discussion.

HCC 21.50.020 (e) Screening. All development activity shall conform to the following:

1. *The use of a dumpster is allowed when the dumpster is screened on 3 sides by a 6 foot tall fence.*

It may be useful to get some practical input on this item from someone experienced with servicing dumpsters. Perhaps some sort of situational concerns might be appropriate. An exception could be crafted for dumpsters that are not visible from the street. This also introduces a myriad number of nonconforming concerns of those currently not screening dumpsters.

Another idea is that we could add language to the multi-family requirements. In this scenario, the heavier commercial districts are not included and it would not reach nonresidential developments.

So far, this does not address the motivation for which the commission was tasked, consideration for CUP reduction. I plan to bring my spreadsheet to the meeting for display on the screen. When I sort the CUP information you can see the difficulty in any particular proposal to eliminate any significant amount of CUP's and perhaps that is our answer to reviewing the possible reduction in CUP's that we have experienced. We could head in a bit of a different direction in addressing some triggers that might encourage economic development or those that might be 'more business friendly'.

EEMU and MI permits 'more than one' which do not require a CUP until exceeding 8000/30% in EEMU and 8000/70% in MI. I would like to have a conversation about the prospect of permitting more than one structure in the commercial districts. It seems that eliminating this as a CUP requirement in GC2 is not very controversial. What is thought of the prospect for GC1 and then CBD? Are we willing to consider building areas greater than 8000 (remember this is not building square footage, but only refers to the footprint) and over 30% of the lot area. For a conversation starting point, I suggest considering 15,000 and 40%. Once a retail business is over 15,000, large retail standards are triggered (note: this is a separate subject that deserves a conversation).

Considerations for elimination of 'more than one' include application of the Design Manual (in general, another subject worthy of greater discussion) which is triggered in CBD by CUP's. This is not an issue in GC1 or GC2. I do believe that we would enhance Homer's business opportunities if 'more than one' is permitted and dimensional requirements are loosened.

### **Staff Recommendation**

Discuss possible steps forward.

- Review the Planning and Zoning Section of the Climate Action Plan by the Planning Staff and provide comparison on what the plan has recommended and what action has been accomplished by the city.
- Postpone the proposed Medical District until after the Appeal Decision is finalized.

City Planner Abboud advised the Commission that if they pursued the requirement in the permitting process to have the applicant come before the Commission with regard to issues found upon site visits that this action falls in the realm of enforcement. If the applicant appeals that puts the Commission in a quagmire.

## **PUBLIC HEARINGS**

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

### **A. Staff Report 19-18, Zoning Permit Process**

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

City Planner Abboud summarized the report and provided some input on how the various items on the work list intermingled along with revision of forms, such as including questions on dealing with aspects of green infrastructure; the expenditure of staff time to review and explain these items with the applicants.

A discussion ensued on requiring asbuilts is easy; willingness to put green infrastructure in regulations then they have to figure out a way to get people to do what they should do; review work on previous projects for best practices.

This will be on the agenda for the next meeting and will try to have a visitor for the worksession.

### **B. Staff Report 19-19, Review of Permitted and Conditionally Permitted Uses**

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

City Planner Abboud reviewed the staff report stating it summarized the work done so far. He commented on the following:

- Code changes for lighting requirements could be written by staff but that the dumpster screening regulations would need to go to the City Attorney for review and recommendation since it was not as straight forward.
- Dumpster regulations would bring up issues of non-conforming dumpsters.
- Does not address the Council's request to reduce the number of Conditional Use Permits.





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### Staff Report PL 19-23

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner AICP  
DATE: March 20, 2019  
SUBJECT: Review of “more than one” conditionally permitted uses

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The Planning Commission suggested some recommendations at the last meeting in regards to conditional use permits. I have broken the recommendations from the Planning Commission into two separate items.

1. Because of the frequency of adding conditions for lighting standards in districts that currently do not address them in code, we have a draft code amendment adding the standards to lots that support 3 or more dwelling units in RR and UR.

This has been made into a separate ordinance to make it easier to segregate from the recommendations that may have an effect on the total amount of CUP application we process. What this really does is add the common condition found in CUP's located in the RR and UR districts to code. If adopted, you will not see this item as a CUP condition because it will be a requirement of code.

### Staff Recommendation

Discuss and give consideration to move to a public hearing

2. Also requested was the elimination of the ‘more than one’ conditional uses in the commercial districts.

I have reviewed the commercial districts that have ‘more than one’ as a conditional use. The districts for consideration of replacing the now required CUP with a permitted use include CBD, GC1, GC2, and MI. In EEMU, CUP's are not currently required for ‘more than one’. I do not recommend a change of policy for the ‘more than one’ CUP in the Gateway Business District in consideration of the view shed concerns for the entry to town. The Commission may wish to discuss this.

When removing this item from the CUP list, other dimensional requirements may still trigger a CUP. Past experience might lead us to believe that few CUP's may be avoided, but it could trigger a demand for something that avoids the require extra review. Most ‘more than one’ CUP's also consist of more than 8,000 square feet of building area, which would

still be present in all the districts proposed to be amended. Another trigger found to commonly complement the 'more than one' pertains to the percentage of building area on the lot. CBD, GC1, GC2 require a CUP when the total building area is in excess of 30% of the lot area, MI is triggered when the total building area is in excess of 70%.

### **Staff Recommendation**

Review the language of the proposed draft ordinance and make recommendations for revision and/or move to a public hearing.

### **Attachments**

Draft ordinance 19-xx Lighting Standards

~~Draft ordinance 19-xx Permitted and Conditional Uses~~ This is not included in the packet because it was a separate topic and not relevant to the lighting standards

1 CITY OF HOMER  
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 19-xx

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 ADDING RURAL RESIDENTIAL ZONING DISTRICT 21.12.060  
8 LIGHTING STANDARDS AND URBAN RESIDENTIAL ZONING  
9 DISTRICT 21.14.060 LIGHTING STANDARDS.

10  
11 WHEREAS, .....; and

12  
13 WHEREAS, .....; and

14  
15 WHEREAS, .....

16  
17 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

18  
19 Section 1. Homer City Code 21.12 Rural Residential District is amended to read as  
20 follows:

21  
22 **21.12.060 Lighting standards.**

23  
24 **The level one lighting standards of HCC 21.59.030 apply to all developments that support**  
25 **three or more dwellings on single a lot in this district.**

26  
27  
28 Section 2: Homer City Code 21.14, Urban Residential District, is amended to read as  
29 follows:

30  
31 **21.14.060 Lighting standards.**

32  
33 **The level one lighting standards of HCC 21.59.030 apply to all developments that**  
34 **support three or more dwellings on single a lot in this district.**

35  
36  
37 Section 5: This ordinance is of a permanent and general character and shall be included in  
38 the City Code.

39  
40 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_\_ DAY OF \_\_\_\_\_,  
41 2019.

42

43  
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CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

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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

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Holly Wells, City Attorney

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

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



BANKS/SMITH MOVED TO ADD CONDITION THREE THAT THE LEACH FIELD WILL BE AT LEAST 40 FEET FROM THE DEPICTED TOP OF BLUFF LINE.

There was no discussion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Further discussion ensued on the zoning area, uses permitted, language distinguishing a hotel such as the Aspen Suites project and this project. It was noted that this project falls under the rooming house definition. If one property owner in the zoning district is allowed then another should be allowed but there is a deeper discussion outside the CUP requirements that would be needed. Additional comments on the intent of the rural residential district and this project leaning to commercial but fits with what is going on in the immediate area.

VOTE. (Main). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

A. Staff Report 19-23, Permitted and conditionally permitted uses

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

City Planner Abboud summarized the report on the Lighting standards and provided some input from previous discussions and this was proposed as one condition that is typically addressed in most CUP's before the Commission. He then reviewed the "more than one" recommendation which was the second most reason for a CUP. He stated that removing this requirement still leaves other conditions that would trigger the CUP.

City Planner Abboud did not recommend changes in the Gateway Business District.

Commissioner Smith brought forward a lighting issue with the project on Robin Street and questioned if the Planning Department was aware of this issue.

City Planner Abboud is aware of that problem and has been assured by the property owner that they are getting the electrician to address those unshielded lights. He noted that it was not an option to leave as is and it will need to be addressed.

Comment and discussion ensued on a recommendation made at the March 6, 2019 commission meeting with regards to the "More than one structure" condition; having lighting standards

across the board including Rural Residential Districts; difficulties in enforcement of the regulations; quality of life issues on lighting; and Commercial districts should already be compliant.

Commissioner Bos asked how they are to amend this draft ordinance to be effective.

Commissioner Banks recommended deleting the words “that support three or more dwellings on a single lot” on lines 23-24 and lines 31-32 and take a wait and see approach.

Commissioner Smith agreed to a certain extent as there are some exceptions to allowing side broadcasting lights for driveways for example. He personally would not be able to back into his driveway in the winter without the aid of two 75 watt lights.

City Planner Abboud responded with the citation from city code about light trespass or glare. He stated that they could review the lighting standards and address certain things and commented on existing circumstances that may or may not meet standards.

Further discussion ensued on light trespass issues over safety issues; that the design manual criteria differs from city code requirements; and specific city code and exceptions.

Chair Venuti inquired if the commission was ready to make a motion.

BANKS/SMITH MOVED TO DELETE THE WORDS “THAT SUPPORT THREE OR MORE DWELLINGS ON A SINGLE LOT” ON LINES 23-24 AND 31-31 IN DRAFT ORDINANCE AND FORWARD TO PUBLIC HEARING.

Discussion ensued on how the ordinance would read.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti stated the next issue to address was the “more than one” to reduce the conditional use permits.

There was a brief discussion on previous discussion on the recommendations from the commission at the February 20 and March 6<sup>th</sup> meetings and that the removal of the “more than one” would not really reduce the number of permits issued significantly and that each CUP application is different and should be reviewed separately. Further comments made by Commissioners supported consensus that the Commission cannot see additional methods to reduce the number of conditional use permits.

BANKS/HIGHLAND MOVED THAT THE CITY PLANNER FORWARD A MEMORANDUM TO CITY COUNCIL THAT THE COMMISSION HAS DETERMINED AFTER INTENSIVE REVIEW THAT THERE IS

NO ADDITIONAL ACTIONS THAT CAN BE IMPLEMENTED TO REDUCE CONDITIONAL USE PERMIT APPLICATIONS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:47 p.m. at the request of the Commission. The meeting was called back to order at 7:52 p.m.

#### B. Staff Report 19-24, Climate Action Plan

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed his report for the commission. He noted that after his review it appeared that Green Infrastructure might contribute to the goals of the plan.

Commissioner Banks inquired how they should address the review, individually address each issue or after the City Planner reviewed in its entirety.

There was no response from the Commission.

City Planner Abboud proceeded to review the remainder of his report. He commented on the following:

- Reallocation of HART funds
- Non-motorized Transportation Trail Plan review with input from Public Works
- Complete Streets Designs
- Town Center Plan
- Evaluating Site Plans, Building Mass but no building inspections
- Building Codes and inspectors
- LEED is not practical for Alaska

A brief discussion was held on funding received recently that was thought to be because the City had the Climate Action Plan.

Further discussion and comment ensued on the following:

- The compilation submitted by the City Planner was a good starting point
- They could add items such as Green Infrastructure and use of Natural Gas
- Provide information and best management practices to developers related to Micro Green Infrastructure for managing stormwater drainage
- Building Codes and Inspection





# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 19-28

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner AICP  
DATE: April 3, 2019  
SUBJECT: Lighting standards for RR and UR

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The Planning Commission moved to add lighting standards to the RR and UR districts and hold a public hearing. A motion was made to have the standards apply to all development in the districts instead of just addressing the multiple dwelling scenario as found as a common condition in CUP's.

After reviewing the motion and comparing it to the language found in the other districts, I suggest a motion to amend the language to keep it uniform with the language currently found in other districts. Recommended amendment in bold and underlined.

**The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district.**

Since the proposal deals with the application of an existing code provision, I have copied the standards below.

*21.59.020 Lighting standards – General.*

*The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].*

*21.59.030 Lighting standards – Level one.*

*When level one lighting standards apply, the following are required:*

*a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.*

*b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.*

*c. No outside lighting shall be installed so as to cause light trespass or glare.*

*d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.*

*e. Prohibited lighting includes search lights and laser lights.*

*f. Exceptions to this section may be granted to the extent necessary in any of the following situations:*

*1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.*

*2. In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.*

*3. Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.*

Per HCC 21.95.040, Planning Department review of code amendment, the proposed amendment may only be recommended for approval if it finds:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

The proposed amendment is found to support goals and objects of the comprehensive plan. It is consistent with Goal 3 of Chapter 4, *Encourage high quality buildings and site design that complements Homer's beautiful natural setting*. Specifically, it relates to Objective B implantation strategies, *Review site impacts of development*. This all leads to implementation

item 3-B-3, which calls upon the commission to *develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection[s].*

b. Will be reasonable to implement and enforce.

The proposed amendment may be challenging to enforce, but should be reasonable once the public understands that they will be subject to the regulation.

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

The proposed amendment will enhance public health, safety and welfare in that neighbors and the general public will not be subjected to undue glare off of private property.

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

The proposal is consistent in intent, wording and other provision of title 21.

### **Staff Recommendation**

Hold a public hearing and motion to amend. Schedule an additional public hearing if warranted or forward a recommendation to the City Council to adopt.

### **Attachments**

Draft ordinance 19-xx Lighting Standards





1 CITY OF HOMER  
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 19-xx

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 ADDING RURAL RESIDENTIAL ZONING DISTRICT 21.12.060  
8 LIGHTING STANDARDS AND URBAN RESIDENTIAL ZONING  
9 DISTRICT 21.14.060 LIGHTING STANDARDS.

10  
11 WHEREAS, .....; and

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13 WHEREAS, .....; and

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15 WHEREAS, .....

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17 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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19 Section 1. Homer City Code 21.12.060 is hereby adopted to read as follows:

20  
21 **21.12.060 Lighting standards.**

22  
23 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**  
24 **district.**

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27 Section 2: Homer City Code 21.14.060 is hereby adopted to read as follows:

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29 **21.14.060 Lighting standards.**

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31 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**  
32 **district.**

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35 Section 3: This ordinance is of a permanent and general character and shall be included in  
36 the City Code.

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38 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_\_ DAY OF \_\_\_\_\_,  
39 2019.

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41 CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

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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

\_\_\_\_\_  
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 03, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**An Ordinance of the City Council of Homer, Alaska adding 21.12.060 Lighting Standards to the Rural Residential Zoning District and 21.14.060 Lighting Standards to the Urban Residential Zoning District.**

Anyone wishing to present testimony concerning this matter 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 proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

PLEASE PUBLISH ONCE

ACCOUNT 100.0130.5227



Deputy City Planner Engebretsen reviewed the City Planner's report and highlighted the following items:

- A request to rescind Ordinance 19-09, relating to the extension of water to Kachemak City
- An application for appointment has been received for the vacancy
- The Appeal decision is expected at any time.
- There will be a CUP on the next meeting's agenda which will take up most of staff time since the City Planner is out of the office through the next meeting.

There was a brief discussion on the hazard mapping.

### **PUBLIC HEARINGS**

**A.** Staff Report 19-28, Ordinance 19-XX adding lighting standards to the Rural Residential and Urban Residential Zoning Districts

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

Deputy City Planner Engebretsen reviewed the City Planner's request to amend the language in the proposed ordinance to reflect the recommended language in the Planner's memorandum.

BENTZ/HIGHLAND MOVED TO AMEND THE LANGUAGE TO REFLECT THE FOLLOWING:  
THE LEVEL ONE LIGHTING STANDARDS OF HCC 21.59.030 APPLY TO ALL DEVELOPMENT, USES, AND STRUCTURES IN THIS ZONING DISTRICT.

Discussion ensued on the previous discussion entertained by the Commission at the previous meeting on light trespass, level one lighting applying to all zones, specific lighting standards in various districts, and clarification that the Commission is specifically addressing lighting standards in urban residential and residential districts.

Chair Venuti called for a recess at 6:41 p.m. to determine the decision made by the Commission at the March 20, 2019 meeting for elucidation. The meeting was called back to order at 6:45 p.m.

Chair Venuti reviewed the motion on the floor provided a synopsis of the decision from the previous meeting and inquired if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti opened the Public Hearing. Seeing no one present to provide testimony Chair Venuti closed the public hearing and opened the floor to questions from the Commission.

There was no additional discussion, comments or questions from the Commission.

Chair Venuti requested a motion.

BANKS/BOS MOVED TO FORWARD THE DRAFT ORDINANCE ON LIGHTING STANDARDS FOR RURAL RESIDENTIAL AND URBAN RESIDENTIAL TO CITY COUNCIL FOR ADOPTION.

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.