



City of Homer

www.cityofhomer-ak.gov

Planning

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Staff Report PL 19-10

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: February 6, 2019
SUBJECT: City Permitting Process

Introduction

As Homer Planning Commissioners, you are accustomed to the process for review and approval of Conditional Use Permits in a public hearing setting. You rely on staff to process the applications and ensure their compliance in the field. As with CUPs, construction projects have an application and approval process that requires compliance with the terms of a Zoning Permit.

The goal of this staff report is to provide an overview of the permitting process, with an emphasis on application requirements. First, we'll first review the application requirements of City code and compare them to the current permit application forms. Second, we'll review the zoning permit requirements of City code and take look at our current review, approval, and follow-up process.

Application Requirements

The following attached excerpts of City code stipulate application requirements:

- CUP application requirements
- Zoning Permit application requirements
- Site plan & right-of-way access requirements.

Application Forms

I have attached our CUP application form and our zoning permit application form.

Application & review

Many of the applications that come in are incomplete to some degree. Missing items will be identified at the front counter and the applicant will be asked to provide additional information. Once staff determines the application is complete, staff will review the permit and issue a zoning permit within 7-10 days. HCC 21.70 "Zoning Permit" stipulates the process for permit review, approval, and the terms of the permit.

I have included our current unofficial internal permitting checklist that we use as a template for reviewing permits. An updated zoning permit application has the potential to make it easier for relevant information to be identified and obtained. I have attached a working draft zoning permit application.

Permit follow-up

Although we do not have a specific field inspection schedule or procedure, staff will follow up on zoning permits in the field periodically throughout the year. The site is inspected for compliance with the zoning permit, and the permitting system is updated to include a note and photograph. If the project is substantially complete and appears to be consistent with the site plan and permit, the permit will be closed out. If the project hasn't begun or is partially complete, a note will be made in the permitting system, and it will be followed up at a future date. For projects that were approved by CUP, the approved site plan and conditions will be reviewed and verified in the field. If deficiencies are noted, the property owner will be notified. Typically, the notification will be in writing and will start a dialogue to establish expectations and a timeframe for compliance.

Requested Action

Zoning Permit application requirements can vary widely depending on the type of project and its location. You can see from the internal review checklist that there are a multitude of other permits that may be required and many City standards that may apply. Please provide staff with direction as to what items you would like to go into further detail. For example, do you want to know more about permitting commercial projects? residential? Would you like to see examples of stormwater plans or approved zoning permits?

Attachments

HCC 21.70.020 (Zoning Permit) Application
HCC 21.71.020 Application for conditional use permit
HCC 21.73 Site Plans and Right-of-Way Access
CUP application form
Zoning Permit application form
Internal permit review checklist
Draft zoning permit application update

21.70 Zoning Permit

21.70.020 Application.

a. Only the owner or lessee of the lot or a person authorized in writing by the owner or lessee may apply for a zoning permit. The City Planner may require the applicant to submit proof of authority to apply for a zoning permit.

b. All applications for zoning permits shall be on forms furnished by the City. The application shall require the following information:

1. The name, residence address, and mailing address of the applicant, the owner of the lot, and any lessee of the lot.
2. The legal description and street address of the lot.
3. A narrative description of the intended use of the lot, building, or structure.
4. The zoning code use classification under which the permit is sought.
5. If construction or a new or changed use under a zoning permit will change the quantity or location of required off-street parking, a survey, plat, or plan, drawn to a scale of not less than one inch equals 20 feet showing the actual dimensions of the lot, the exact location of the buildings and structures erected or to be erected thereon, adjacent street rights-of-way, utility easements and facilities, building setbacks, drainage, parking lot ingress and egress points, driveways, parking lot aisles, and the number and location of off-street parking spaces and loading spaces. Where off-site parking will be provided to meet a requirement for off-street parking, a similar survey, plat or plan also shall be provided for the off-site parking, accompanied by the document required by HCC 21.55.060(d). A site plan prepared according to Chapter [21.73](#) HCC may be substituted for the survey, plat, or plan required by this subsection.
6. For new buildings or structures, or for changes to the exterior dimensions of existing buildings or structures, the survey, plat, or plan required by subsection (b)(5) of this section also plan and elevation drawings of the buildings and structures erected or to be erected thereon. A site plan prepared according to Chapter [21.73](#) HCC may be substituted for the survey, plat, or plan required by this subsection.
7. Copies of any building permits or other permits required by applicable Federal, State or local law or regulations.
8. Copies of approved plans or other submittals that may be required by code, such as, but not limited to, traffic impact analysis, development activity plan, and stormwater plan.
9. Such additional information as the City Planner shall require to enable the City Planner to

determine whether the application satisfies the requirements for issuance of a permit.

10. The applicant's signed certification that all the information contained in the application is true and correct. [Ord. 09-12(A) § 4, 2009; Ord. 08-29, 2008].

21.71.020 Application for conditional use permit.

a. An application for a conditional use permit shall be submitted to the City Planner on a form provided by the City. The application shall include:

1. Name and mailing address of the owner of the subject lot.
2. Name and mailing address of the applicant for the permit.
3. A legal description and the street address of the subject lot.
4. A narrative description of all proposed uses and structures, specifically identifying those that require conditional use permit approval.
5. A level one or higher site plan prepared according to Chapter [21.73](#) HCC. In addition to the requirements of Chapter [21.73](#) HCC, the site plan shall show the location of all outdoor areas to be used for the conditional use.
6. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots.
7. All additional information (including any permits, plans and analyses) required by other provisions of the zoning code applicable to the proposed use within the subject zoning district.
8. Any additional information the City Planner may require to determine whether the application satisfies the criteria for issuance of a permit.
9. If the applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted.
10. The applicant's signed certification that all the information contained in the application is true and correct.

b. The City Planner will determine if the application is complete. If not complete, the City Planner will advise the applicant what corrective actions should be taken to complete the application. [Ord. 08-29, 2008].

**Chapter 21.73
SITE PLANS AND RIGHT-OF-WAY ACCESS**

Sections:

- [21.73.010](#) Site plan – General.
- [21.73.020](#) Site plan – Level one.
- [21.73.030](#) Site plan – Level two.
- [21.73.100](#) Right-of-way access plan – General.
- [21.73.110](#) Right-of-way access plan – Level one.
- [21.73.120](#) Right-of-way access plan – Level two.
- [21.73.130](#) Right-of-way access plan – Level three.
- 21.73.200 Visibility at intersections.

21.73.010 Site plan – General.

- a. When a site plan is required by other provisions of the zoning code, the applicant shall submit to the City Planner for approval a site plan prepared in conformance with this chapter.
- b. The level of site plan required is specified in the applicable zoning district regulations. If the level is not specified, a level one plan is required. [Ord. 08-29, 2008].

21.73.020 Site plan – Level one.

A level one site plan shall show on a survey, map or plan of the subject property, drawn to a scale of not less than one inch equals 20 feet, all of the following:

- a. The precise location of the lot boundaries and all setbacks and easements.
- b. The precise location and dimensions of all existing and proposed structures, including any proposed changes to the exterior dimensions of existing structures.
- c. Elevation drawings and dimensions of all existing and proposed structures, including any proposed changes to exterior dimensions of existing structures.
- d. Existing site features and conditions, including topography, drainage, streams, water bodies, wetlands, lines of mean high tide, storm berms, areas prone to erosion, and the general location of vegetation.
- e. The precise location of all existing and proposed structures in relation to existing and proposed streets and other rights-of-way.
- f. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of the site and to and from all parking areas.
- g. On-site traffic and pedestrian circulation systems, and a detailed parking plan.
- h. Pedestrian access to adjacent public lands, waters, walkways and trails. Where practical, safe, and

where other means of access have not been provided, access easements may be required.

- i. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display elevation changes and cut and fill quantities.
- j. The location of the site in relation to other existing uses on neighboring properties. [Ord. 08-29, 2008].

21.73.030 Site plan – Level two.

A level two site plan shall show on a survey, map or plan of the subject property, drawn to a scale of not less than one inch equals 20 feet, all of the following:

- a. All information required by HCC [21.73.020](#)(a) through (e);
- b. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of all loading berths or areas;
- c. Turning radius for vehicles;
- d. The location and proposed screening of open storage areas;
- e. Basic floor plans and location of all existing and proposed structures;
- f. Location of utilities;
- g. Proposed signs and lighting;
- h. The location of the site in relation to residential uses and other existing industrial uses on adjacent properties;
- i. Location of snow storage. [Ord. 08-29, 2008].

21.73.100 Right-of-way access plan – General.

- a. When a right-of-way access plan is required by other provisions of the zoning code, the applicant shall submit to the City Planner for approval a right-of-way access plan prepared in conformance with this chapter.
- b. The level of right-of-way access plan required is specified in the applicable zoning district regulations. If the level is not specified, a level one plan is required. [Ord. 08-29, 2008].

21.73.110 Right-of-way access plan – Level one.

A level one right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.

b. Any access roads and frontage roads shall conform to the policies of the Master Roads and Streets Plan and the ordinances of the City. [Ord. 08-29, 2008].

21.73.120 Right-of-way access plan – Level two.

A level two right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.
- b. Entrances onto arterials and collectors shall be minimized, and individual businesses shall share access to rights-of-way whenever reasonable.
- c. Any access roads and frontage roads shall conform to the controlling street plan elements of the Homer Comprehensive Plan.
- d. The plan shall require visibility clearance according to HCC 21.73.200. [Ord. 08-29, 2008].

21.73.130 Right-of-way access plan – Level three.

A level three right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.
- b. Vehicular Circulation and Access.
 1. Street access shall be limited to one entrance and one exit per street. One combined entrance/exit is encouraged to facilitate traffic movement on adjacent streets.
 2. To minimize turning movements onto adjacent public roads, developers are encouraged to provide internal circulation systems that connect to adjacent developments. When several adjacent lots front one street it is preferred that they share one driveway or street access. Site design shall continue internal vehicular ways in order to reduce the number of driveway and curb cuts onto the Sterling Highway. Curb cuts onto the Sterling Highway shall be kept to an absolute minimum.
 3. Facilities and access routes for deliveries, service and maintenance shall be separated when practical from public access routes and parking areas.
- c. Where applicable, frontage roads shall conform to the Master Roads and Streets Plan, the Transportation Plan, and the ordinances of the City.
- d. The plan shall require visibility clearance according to HCC 21.73.200. [Ord. 08-29, 2008].

Current CUP Application



City of Homer

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Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3106
(f) 907-235-3118

Applicant

Name: _____ Telephone No.: _____

Address: _____ Email: _____

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: _____ Lot Size: _____ acres KPB Tax ID # _____

Legal Description of Property: _____

For staff use:

Date: _____ Fee submittal: Amount _____

Received by: _____ Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x*	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				x	x	x	x	x			x	

Circle applicable permits. Planning staff will be glad to assist with these questions.

Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____

Y/N Will your development trigger a Development Activity Plan?
Application Status: _____

Y/N Will your development trigger a Storm water Plan?
Application Status: _____

Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____

Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Y/N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y/N Do you need a traffic impact analysis?

Y/N Are there any nonconforming uses or structures on the property?

Y/N Have they been formally accepted by the Homer Advisory Planning Commission?

Y/N Do you have a state or city driveway permit? Status: _____

Y/N Do you have active City water and sewer permits? Status: _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

CONDITIONAL USE INFORMATION: Please use additional sheets if necessary. HCC21.71.030

- a. What code citation authorizes each proposed use and structure by conditional use permit?
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
- c. How will your proposed project affect adjoining property values?
- d. How is your proposal compatible with existing uses of the surrounding land?
- e. Are/will public services adequate to serve the proposed uses and structures?
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online,
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
 1. Y/N Special yards and spaces.
 2. Y/N Fences, walls and screening.
 3. Y/N Surfacing of parking areas.
 4. Y/N Street and road dedications and improvements (or bonds).
 5. Y/N Control of points of vehicular ingress & egress.
 6. Y/N Special provisions on signs.
 7. Y/N Landscaping.
 8. Y/N Maintenance of the grounds, buildings, or structures.

- 9. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
- 10. Y/N Time for certain activities.
- 11. Y/N A time period within which the proposed use shall be developed.
- 12. Y/N A limit on total duration of use.
- 13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
- 14. Y/N Other conditions deemed necessary to protect the interest of the community.

PARKING

- 1. How many parking spaces are required for your development? _____
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
- 2. How many spaces are shown on your parking plan? _____
- 3. Are you requesting any reductions? _____

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: _____ Date: _____

Property Owner's signature: _____ Date: _____

Current Zoning Permit Application



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us

Zoning Permit Application

Applicant's name: _____ Telephone No.: _____ Cell: _____	
Address: _____ Email: _____	
Property Owner (if different than the applicant):	
Name: _____ Telephone No.: _____ Cell: _____	
Address: _____ Email: _____	
PROPERTY INFORMATION:	
Address: _____ Lot Size: _____ acres KPB Tax ID # _____	
Legal Description of Property: _____ Zoning: _____	
Meets density in the Zoning district? Y/N _____ In the Bridge Creek Watershed Protection District? Y/N _____	
Describe the proposed use/structures: _____	
Value of the improvements \$ _____ Public water/sewer permit number _____ Well <input type="checkbox"/> Septic <input type="checkbox"/>	
Driveway permit number _____	
<i>For staff use:</i>	
Date: _____ Fee submittal: Amount _____	
Received by: _____ Date application accepted as complete _____ Finance Code 21-2106	

Y / N Wetlands? Parcels with designated **Wetlands** require Army Corp of Engineer approval.

The **Fill standards** apply to "new fill" and address slope stabilization, sedimentation and erosion. Please verify that your project meets these standards:

T/F NA The fill is free of demolition material like concrete, asphalt, garbage and hazardous materials.

T/F There is no disposing of organic debris from other lots.

T/F NA The slope of the fill shall not exceed 50% or 1:2 as in a one foot rise to a two feet run.

T/F No fill will be placed closer than five (5) feet from the side or rear lot lines.

T/F No organic debris including stumps will be used to support structures.

Fill for the project will be a maximum depth of _____ feet over _____% or less of the lot. If you intended to fill to a depth greater than 3 ft over 25% or more of the lot a Grading Plan is required and must be approved by the City prior to issuance of a Zoning Permit.

Initial each pg _____

The **Drainage standards** aim to preserve the natural drainage patterns. At a minimum:

T / F There will be no adverse impact to other properties. HCC 21.50.020(c)(1)

T / F All exposed soils will be revegetated within 16 months of initial earthwork. HCC 21.50.020(c).

The **Slope Standards** apply to activity that disturbs the existing land surface including clearing, grading and filling.

Y / N Is the average slope of your lot greater than 15%? (A rise of 15 ft to 100 ft run)

Y / N Is clearing, grading, excavating and/or filling taking place within 40 ft of the top, or 15 ft of the toe of a steep slope (45%), bluff, coastal bluff or ravine? HCC 21.44.030(c)

If **YES** to either of the two above, a site plan for Slope Development Plan is required, HCC 21.44.050.

A **Development Activity Plan** is required when your development exceeds ONE of these standards.

1. Land clearing or grading of 10,000 SF or greater;
 2. The cumulative addition of 5,000 square feet or greater of impervious surface area. . "Impervious" includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt.
 3. Grading, filling or excavating involving the movement of 1,000 cubic yards of material;
 4. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 (over 3, up one) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;
 5. Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site;
 6. Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
-

A **Storm Water Plan** is required when your development exceeds ONE of these standards.

1. An impervious surface coverage that is greater than 60 percent of the lot area.
2. The creation of cumulative addition of 25,000 square feet or greater of impervious surface area.
3. Land disturbing activity of one acre or greater;
4. Grading, fill or excavation involving the movement of 10,000 cubic yards of material;
5. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 10 feet;

HOW TO DRAW A SITE PLAN AND BUILDING ELEVATIONS

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

Drawing your own site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise for drainage, lighting and landscaping plans.

Below is a checklist of items that should be on your site plan. For items that do not apply to your project simply indicate: Not Applicable (NA).

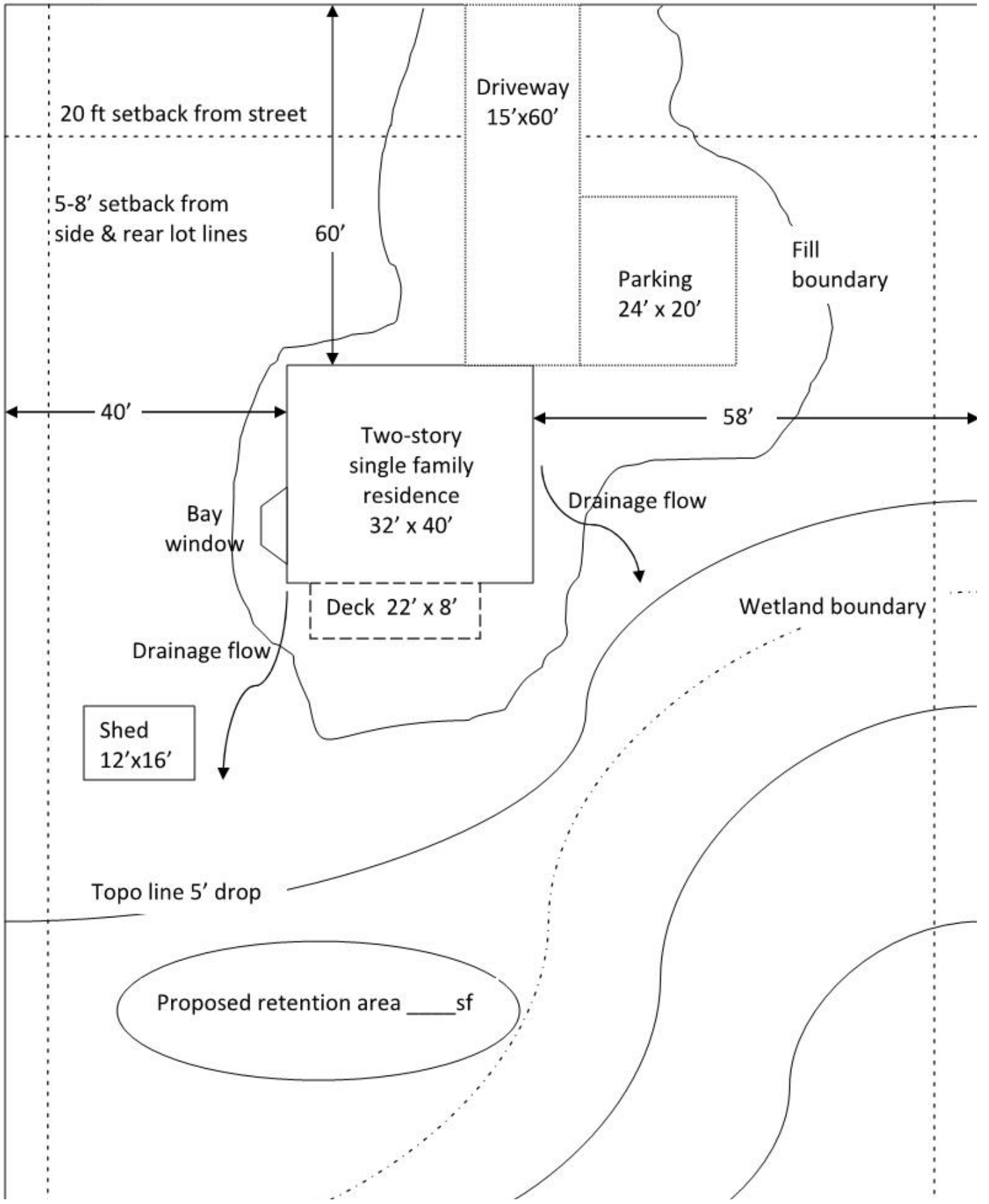
- 1. Scale factor. For example 1" = 20 ft.
- 2. North arrow
- 3. All property lines and their dimensions
- 4. Proposed and existing structures, additions and their distances from the property lines.
- 5. Setbacks: All property lines which abut a road require a 20 ft building setback.
Care should be taken to measure from the property lines, NOT the road. Side and rear setback range from 5 ft – 8 ft depending on the number of stories.
- 6. Fill & grading area from the toe of the slope. Fill to be setback 5' from side and rear property lines.
Include the fill area from the toe of the slope and include fill depth, length and width. (L x W x D)
- 7. Well and septic location
- 8. Topography
- 9. Drainage directional flow arrows
- 10. Building dimensions
- 11. Cantilevers, decks, exterior stairways, bay windows
- 12. Adjacent roads
- 13. Driveway. If a shared driveway submit agreement.
- 14. Parking spaces, 9' x 19' per space.
- 15. Decks, bay windows, cantilevers, exterior stairways
- 16. Wetland boundary

Below is a checklist for your building elevation cross section. Your drawing needs to show the exterior view of the building.

- Building height (maximum is 35 ft.)
- Land slope or grade

Anywhere Road

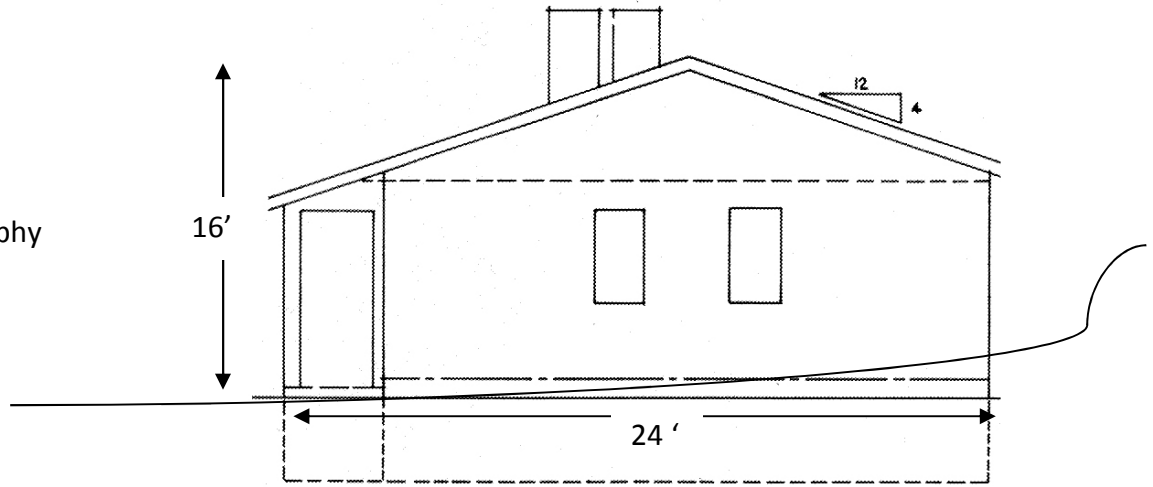
Lot Width = __ ft



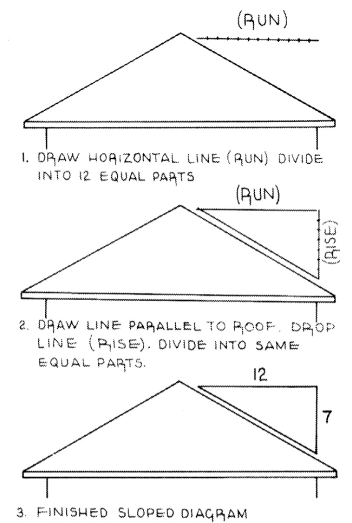
Initial each pg _____

Building elevation drawing

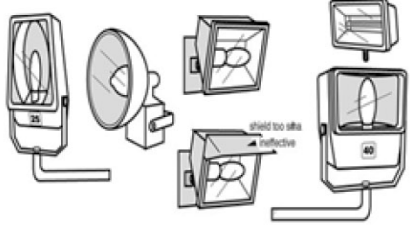
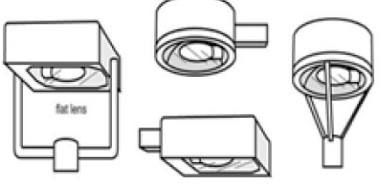
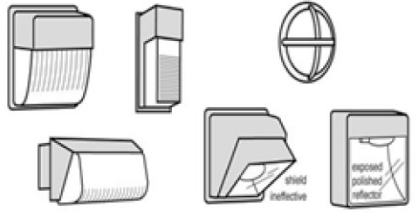
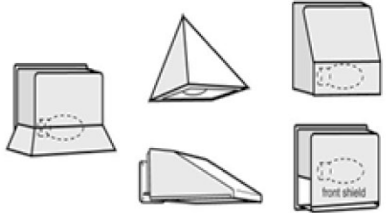
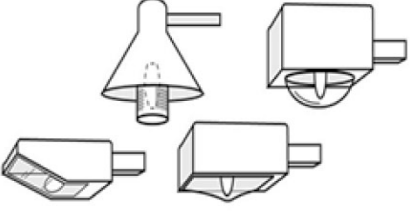
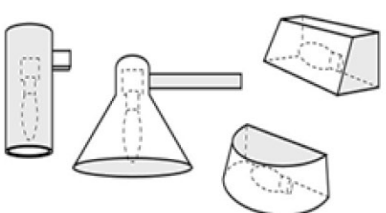
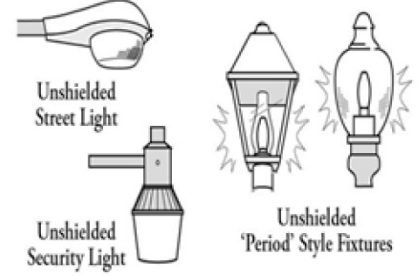



- Building height
- Wall dimensions
- Grade / topography



Your elevation drawing here:



6. Any land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds. The **Lighting standards** aim to reduce glare and light trespass and apply to the business and commercial districts. Depending on the scope of the project a Lighting Plan maybe required per HCC 21.59.030. For simple projects simply circle the type of cut-off light fixture you are using.

<p>UNACCEPTABLE Fixtures that Produce Glare and Light Trespass</p>	<p>ACCEPTABLE Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision</p>
 <p>Unshielded or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks & Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully-shielded Wallpack & Wall Mount Fixtures</p>
 <p>Drop-lens & Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p>Fully-shielded Fixtures</p>
 <p>Unshielded Street Light Unshielded Security Light Unshielded 'Period' Style Fixtures</p>	 <p>Full Cutoff Street Light Fully Shielded Security Light Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights Drop-lens Canopy Fixtures</p>	 <p>Shielded/Property Aimed PAR Floodlights Flush Mounted Canopy Fixtures</p>

Check list for basic submittals

- Site Plan**
- Building elevation. Must indicate building height.**

Other possible submittals:

- Wetlands Army Corps of Engineers** approval needed for any impact into designated wetlands.
 - o Status of ACOE submission: _____
- State Fire Marshal** approval is needed for structures with more than 3 units and ALL commercial uses.
 - o Status of Fire Marshal submission: _____
- Flood Zone.** ____ If in a flood zone an Elevation Certificate and Flood Development are required. \$200.
- Bridge Creek Watershed Protection District** site plan to include impervious coverage.
- Plat restrictions to consider.
- Development Activity Plan (DAP)** HCC 21.74
- Stormwater Plan (SWP)** HCC 21.75 **\$200.**
- Right-of-way Plan** HCC 21.73.100-130
- Parking Plan. Number of spaces required _____** HCC 21.55
- Site Development Plan: drainage, landscaping** HCC 21.50
- Fill/ Grading Plan** HCC 21.50.150
- Slope development plan** HCC 21.44
- Lighting Plan** HCC 21.59.030
- Conditional Use Permit. Development over 8,000 SF? Y/N Over 30% of the lot area? Y/N?**

More than one structure on the lot? Y/N? _____

- Sign Plan HCC 21.60**

Owner/Applicant's signature _____ Date _____

Contactors signature _____ Date _____

Excavator's signature _____ Date _____

Initial each pg _____

Unofficial Internal Permit Review Checklist

Check application for completeness - Fee paid owner signature pages initialed
good contact info site plan elevation drawing

Address _____ Zoning District _____

existing uses/structures _____

legally permitted? Y or N Permits/violations/nonconformities on file _____

proposed use& structures _____

- Is use/structure permitted outright? _____
- CUP or PUD required? _____

Driveway permit - City or State? Status _____

City Water and Sewer available? Y or N Permit status _____

Commercial project OR 4-plex or larger? Y or N Fire Marshal Review Status: _____

Commercial Signage Anticipated? Y or N Sign Permit required? Y or N

Existing Site Characteristics - utilize KPB parcel viewer and/or ArcGIS

Verify parcel ownership info. Does it match the application signature? Y or N

Wetlands present? Y or N ACOE permitting status? _____

Average slope approximation approaching 15%? Y or N If no, estimated slope: _____

If yes, Slope calculation _____ Max dev. area (HCC 21.44.030(b)): _____

Dev. Area proposed _____ Steep slope site plan required? Y or N

How is site drainage affected? _____

Located in mapped Flood Zone? Y or N Flood Development Permit Status _____

BCWPD? Y or N - Harbor Overlay Dist? Y or N - Scenic Gateway Dist? Y or N

Dimensional Requirements:

- Are setbacks met? Y or N
- Lot size in square feet _____ minimum lot size per dwelling _____

- Number of existing & proposed dwellings_____ Is density met? Y or N
- For Multi-family All districts except GC1, floor area <4/10 lot size - met? Y or N
- For Multi-family All districts except GC1, open area > 1.1 times floor area - met? Y or N
- What is the required parking?_____# of spaces proposed? _____
- Any known plat restrictions? _____
- Fill Standards – Grading plan required when > 3ft. of fill over 25 percent of lot.
 - Grading Plan Required? Y or N

Elevation drawing showing total height & grade included? Y or N

Site plan level 1 or 2 required? ROW level 1 or 2 required?

Site development standards 1 2 or 3 required?

Site Plan Level 1 elements:

- Scale factor
- North arrow
- All property lines and dimensions
- Existing and proposed streets & rights-of-way
- Building setbacks from all property lines
- Steep slope setbacks, if applicable
- Existing building locations & dimensions
 - Include decks, exterior stairways, bay windows, cantilevers
- Proposed building locations & dimensions
 - Include decks, exterior stairways, bay windows, cantilevers
- Existing building elevation drawings w/ dimensions
- Proposed building elevation drawings w/ dimensions
- Parking & access including – driveway curb cuts, arrows indicating ingress/egress and traffic patterns to and from parking areas, parking area dimensions, stall and aisle dimensions, pedestrian circulation
- Pedestrian access to adjacent public lands, walkways & trails
- Utility easements
- Site features - drainage, streams, water bodies, wetlands, mean high tide, storm berms, areas prone to erosion, general location of vegetation
- Topography
- Grading & drainage plan including all cuts, fills, and areas of disturbance. It shall display elevation changes and cut and fill quantities
- Location of site in relation to other uses on neighboring properties

- Well & septic location – **listed on application checklist, but only required for steep slope plans HCC 21.44**

Site Plan level 2 elements:

- Vehicle turning radius
- Loading areas including traffic pattern with areas
- Location & screening of open storage areas
- Location of utilities
- Basic floor plans
- Proposed signs & lighting
- Location of site in relation to residential uses and other existing industrial uses on adjacent properties
- Location of snow storage

Right-of-way access plan level 1

- Show all points of access to rights-of-way
- Any access roads and frontage roads shown – if present, shall conform to the Master Roads and Streets Plan

Right-of-way access plan level 2

- Show all points of access to rights-of-way
- Entrances onto arterials and collectors shall be minimized, individual businesses shall share access to rights-of-way whenever reasonable
- Access roads and frontage roads shown – if present, shall conform to the controlling street plan elements of the Homer Comprehensive Plan.
- Visibility clearance according to HCC 21.73.200

Site Development Standards Level 1 – SWP applies IF ONE OF:

- Creates 25,000 sq. ft. of new impervious
- Increases total impervious beyond 1 acre
- Moves 1,000 cubic yards of material
- Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe to top

SWP required? Y or N

Site Development Standards Level 2 – SWP applies IF ONE OF:

- Impervious coverage greater than 60% of the lot area (existing & proposed)

- Creates 25,000 sq. ft. of new impervious
- Grading of one acre or greater
- Moves 10,000 cubic yards of material
- Creates a temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe to top
- Clearing or grading on slope steeper than 25% or within 10 feet of wetland, watercourse/waterbody

SWP required? Y or N

Site Development Standards Level 2 – DAP applies IF ONE OF:

- Clearing or grading of 10,000 sq. ft.
- Adds 5,000 sq. ft. impervious coverage
- Moves 1,000 cubic yards of material
- Creates a temporary or permanent slope of 3:1 and over 5 ft. in height
- Grading alters the drainage route from existing point of entry/exit from site
- Clearing or grading on lots steeper than 20%
- Clearing or grading within 20 feet of wetland, watercourse, or waterbody

DAP required? Y or N

Misc. uncommon requirements: - mobile home/RV park - large retail/wholesale stores
 - Towers - PUD - marijuana buffers HCC 21.62.070 - RV on spit permit

Draft Zoning Permit Application Update



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Zoning Permit Application

Applicant's name: _____

Physical Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Owner (if different than the applicant):

Name: _____

Physical Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Information:

Address: _____ KPB Tax ID #: _____

Legal Description: _____

Lot Size: _____ acres Zoning District: _____ Total Market Value of Improvements: _____

Circle the type of proposed use: Single Family Duplex/Triplex Multi-family Commercial Other

For each existing structure, list its size (sq. ft.) and use: _____

For each proposed structure, list its size (sq. ft.) and use: _____

City water/sewer permit number _____ (required if services are available to the site)

Well and/or Septic (circle) Driveway Permit # _____

For staff use:

Date: _____ Fee \$ _____ Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.

Received by: _____ Date application accepted as complete _____

Finance Code 21-2106. Zoning Permit required by HCC 21.70

Site development standards for all projects (applies to all development in the City)

- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building setbacks are 15ft. from open ditches and 10 ft. from closed drainage systems.
- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31st.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

All Projects in Any Zoning District (Check all that apply)

- A **Site Plan** is required for all projects. This “bird’s eye view” must show the entire lot and include all of the details found on the site plan checklist. See the attached example site plan.
- A **Building Elevation** drawing is required for all proposed buildings. Building height from grade to the peak of the roof must be included. See the attached example building elevation drawing.
- A **Wetlands Permit** may be required if your project is within a wetland. If the following map indicates wetlands on your property, then written authorization from the Army Corps of Engineers (ACOE) is required
 - Homer area wetland map source: <https://www.kpb.us/gis-dept/online-mobile-viewers>ACOE submission status: _____ ACOE POA #: _____
- A **Grading/Fill Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- Slope Development Standards** apply when the project includes any of the following: (HCC 21.44)
 - The average slope of the lot is greater than 15% (A rise of 15 ft. to 100 ft. run)
 - Disturbance takes place within 40 ft. of the top, or 15 ft. of the toe of a steep slope (45%), bluff, coastal bluff or ravine
- A **Storm Water Plan (SWP)** is required when the project includes any of the following: (HCC 21.50.020)
For projects located in commercial zoning districts, skip this subsection & see SWP section below
 - Creates 25,000 square feet of new impervious surface
 - Increases the total impervious surface coverage to one acre or greater
 - Grading that moves 1,000 cubic yards of material
 - Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
- A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- A **Conditional Use Permit (CUP)** may be required under certain circumstances, including but not limited to the following:
 - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
 - Building area exceeds 8,000 (all buildings combined) or 30% of the lot area
 - The project includes more than one building with a primary use
 - The project will generate traffic in excess of 100 vehicle trips per hour or 500 vehicle trips per day
- A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- The **Bridge Creek Watershed Protection District** has additional restrictions for property development (see HCC 21.40)

All Projects in Commercial Districts including the Residential Office District when the project is commercial or multifamily residential (3-plex or larger) in nature (check all that apply)

- State Fire Marshal** approval is required for all commercial buildings and apartment projects (4-units or more)
Fire Marshal application Status: _____ Permit # _____
- Landscaping requirements** apply to all projects (HCC 21.50.030(f))
 - Landscaping shall include the retention of native vegetation to the maximum extent possible

- A minimum buffer of 3 ft. along lot lines and 15 ft. along the top bank of a defined drainage
- Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
- Parking lots with 24 spaces or more have additional standards (see HCC 21.50.030(f)(1)(b))
- Lighting standards** apply to all projects (HCC 21.59.030)
 - Outdoor lighting must be installed so that it does not produce light trespass or glare
 - The maximum height for pole lighting is 28 ft. and for building-mounted lighting, it is 15 ft.
 - Outdoor lights installed 15 ft. or higher must be cut-off luminaires
- An **As-built survey** is required for all commercial and multi-family projects upon completion of work
 - The survey must show the location and dimensions of permitted structures (see HCC 21.70.040)
- A **Development Activity Plan (DAP)** is required when your project includes any of the following (HCC 21.74):
 - Clearing or grading of 10,000 square feet or more
 - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
 - Grading that moves 1,000 cubic yards of material
 - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
 - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
 - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
- A **Storm Water Plan (SWP)** is required when your project includes any of the following (HCC 21.50.030):
 - Creates 25,000 square feet of new impervious surface
 - Increases the impervious surface coverage to greater than 60% of the lot area
 - Grading of 1 acre or more
 - Grading that moves 10,000 cubic yards of material
 - A temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
 - Land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds

I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.

Any approvals required from the Homer Advisory Planning Commission, such as a Conditional Use Permit, must be approved PRIOR to issuance of the Zoning Permit. It is the permittee's responsibility to comply with all other permit terms at his/her expense.

The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.

I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.

Owner Signature (required): _____ Date: _____

Applicant Signature: _____ Date: _____

Commissioner Bernard requested the minutes to be pulled from the Consent Agenda since the amended minutes provided by the Clerk still indicated she was absent and she would like to have the Clerk provide clarification on the additional corrections made to the minutes.¹

The Minutes for January 16, 2019 will be moved to New Business, Item B.

Vice Chair Banks inquired if there was any dissent to approving the Consent Agenda as amended.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS/VISITORS

A. Staff Report 19-10, Planning & Zoning Permitting Process - Travis Brown, Planning Technician

Travis Brown, Planning Technician provided a brief presentation on permitting processes and reporting procedures to the Borough Assessors office including documents that are used by the Planning and Zoning Department. He provided examples of recent building and construction projects to further clarify terms and conditions.

Brief commentary and question and answer period followed on the following issues:

- Reporting to the Borough
- Use of the KPB Information
- Homer City Code driven requirements and inspections
- Verification of location on actual versus proposed site drawings presented
- Implement avenues to address issues
- Requirements to the types or drawings
- Suggest changes to the permitting process with regards to requirements such as surveys, stamped drawings, etc. to modify the permitting process by speaking to surveyors, builders and realtors.
- Requiring asbuilts or survey
- Research could be conducted to see how other communities perform and oversee construction
- Reviewed a revised Zoning Permit to update and include information and formatting changes
- Clarification on inspection process and what is done if the project did not follow the approved CUP or zoning permit.
- Drainage issues with regard to compliance to the City Code and not impacting neighboring properties
- The proposed changes can be done internally and does not require approval by Council, however adding that as a requirement would mandate code amendment to remove map or plan and require a survey.

¹ No motion is required to remove an item from the consent agenda.



- 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

- Making changes and include those recommendations in the application process and staff to verify the retail businesses can stock the materials
 - o Staff cannot effect the changes in retailers inventory that would require the consumer to demand the change by consistent requests
- Triggers for various permit requirements in the districts, that information all in one place would be helpful for the Commission
- Make and effect changes that would ease some of the work load of the Planning Department with regard to the large projects
 - o Sprawl versus height, two 10,000 sf buildings versus a two-story 20,000 sf building on a lot
 - o Concentrate developments in regards to a conscientious effort to reduce the use of the earth
- Reason why the Commission is reviewing reductions in CUP's is litigation cost reduction and more than one is not significant in litigation but more along the lines of cost
- The average number of the "more than one" CUP is minimal
- On one recent application the Commission did come up with some conditions on a "more than one" other than the down-lit lighting and screened dumpster and if the Commission did eliminate this type of CUP the Commission would not necessarily see this type of application and they would not have the public involved and have the opportunity to offer recommendations to make the project fit in better with the neighborhood.
- The Commission should consider fully all aspects and results that not having these types of applications come before them prior to changing the process.
- Public comment received on coming in to testify on a project and it has no effect to the application since it is allowed by the regulation, so what is the point of providing the testimony. What can the Commission say?
 - o It is not easy, if the applicant addresses the requirements in code and there is no undue circumstance proven, then there is nothing that can really be done but if the applicant has crossed the line then the commission will have to determine what regulations were not followed.
 - o Preference to see more density, it is difficult to fit multifamily housing in established neighborhoods but they should be responsive to the market as the average cost of a house does not equate to the average wage earned

Vice Chair Banks inquired if there were any additional recommendation or changes to the conditional use permits or any additional comments from the Commission.

City Planner Abboud stated that he will address the recommendations and suggestions made by the Commission and bring this back to a future meeting.



NEW BUSINESS

- A. Staff Report 19-10, Planning & Zoning Permitting Process

Planning Technician Brown reviewed the ideas presented during the earlier presentation by the Commission as follows:

- Homer City Code driven requirements and inspections
- Verification of location on property - actual versus proposed site drawings presented
- Implement avenues to address issues
- Requirements to the types or drawings
- Suggest changes to the permitting process with regards to requirements such as surveys, stamped drawings, etc. to modify the permitting process by speaking to surveyors, builders and realtors to receive their input.
- Requiring asbuilts or survey

Additional comments made on the draft documents and the existing permitting processes were:

- Refining the draft zoning permit by reviewing code to achieve the suggestions provided
- Consulting surveyors
- Review the triggers listed in the CUP Permit process
- Requiring control lines on where the foundation is to be set would remove liability for the city
- Two step requirement 1. Verification of location of foundation at the start of construction and final verification on location when foundation is completed
- There is inherent trouble with curved or parcels in a cul de sac when pinpointing corners
- Consideration of costs to the landowner and easing that and where to draw the line

The Commission requested staff to contact other municipalities to see what processes they have in place and bring back to the commission.

B. Minutes from the January 16, 2019 regular meeting

Deputy City Clerk Krause provided the amended minutes for the Commission after Project Manager Pat McNary provided a clarification and correction on page 3, second bullet point regarding the possible future addition of solar in the original minutes it was restated incorrectly in the minutes.

Commissioner Bernard expressed some dismay at the context of the minutes and requested further clarification with regard to the Conditional Use Permit for the Police Station. She noted that there were three of the commissioners herself included that expressed some dismay over the project not following the Community Design Manual.

A brief discussion ensued regarding the minutes are a summary or synopsis of action that is taken or done and that minutes are not verbatim. It was noted that anyone wanting exact details of what transpired at the meeting can be obtained from the Clerk's Office. It was further noted that the Commission approved the Conditional Use Permit for the project unanimously and if there was opportunity to request a reconsideration on the action.



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Staff Report PL 19-18

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: March 6, 2019
SUBJECT: City Permitting Process

Introduction

At the February 6 planning commission meeting, I presented to the commission and we reviewed current zoning permit requirements and procedures. The commission expressed concerns with the lack of a verification procedure for building locations and a desire to have a better understanding of when & where site plan/site development requirements are triggered. The commission expressed a desire to hear from local professionals, research how other communities deal with the accuracy of building locations, and work with staff to propose practical changes to Title 21 that will ensure projects comply with zoning regulations.

Verifying Building Location

Some commissioners expressed concern over the lack of a City verification procedure for building locations, particularly when buildings are near required setbacks. It is believed that the public assumes significant and avoidable risk by leaving it up to property owners or contractors to build structures in the right location. The commission would like to identify practical and effective permitting requirements that will ensure new structures are built precisely in the approved location.

The commission has asked staff to research the procedures of other municipalities and report findings back to the commission. The commission would also like to speak with local professionals including surveyors, general contractors, and earthwork contractors, in order to gain an understanding of current practices. Additionally, staff proposes to develop a report of the various permitting requirement triggers and propose discussion points for possible code changes.

CUP Follow-Up

Another interest of the commission is to ensure that approved CUP projects comply with the terms of their CUP. Currently, staff uses the same procedures as zoning permit follow-up consisting of a site visit that compares the site improvements to the site plan and conditions

of the CUP. Deficiencies are noted in the field and staff follows the enforcement procedures laid out in HCC 21.90. Enforcement orders are appealable to the Planning Commission.

Staff Recommendations

For March/April meetings:

- Staff work with Tom and Scott to schedule surveyors, contractors, earthwork contractors
- Staff work with Tom and Scott to review permitting processes in other Alaska municipalities and report to the commission
- Staff produce a staff report outlining current permitting requirement triggers and possible areas of improvement

- 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 19-26

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: March 20, 2019
SUBJECT: Permitting Process and Building Location Verification

Introduction

Some commissioners expressed concern over the lack of a City verification procedure for building locations, particularly when buildings are near required setbacks. It is believed that the public assumes significant and avoidable risk by leaving it up to property owners or contractors to build structures in the right location. The commission would like to identify practical and effective permitting requirements that will ensure new structures are built precisely in the approved location.

Building site challenges

Property owners can face numerous challenges when trying to determine their property boundaries and the precise location of their new structure. Without verification by a professional, mistakes are bound to happen. Some of these challenges include: properties may have missing monuments, monuments may be too difficult to locate due to vegetation or terrain, the owner may lack the aptitude to know whether they have found the correct property marker or not, and miscommunications can happen between contractors and owners.

Meeting local professionals

This meeting provides an opportunity for the commission to meet local building industry professionals, become familiar with their current construction practices, and hold a discussion regarding how potential new regulations may affect project timelines and costs. I expect some general contractors and earthwork contractors to be present and available for questions during the work session. My aim is to have local surveyors attend another work session in April.

Questions for contractors:

- Do you typically hire a surveyor to mark the lot lines?
- When a surveyor has been hired, do they typically mark one corner? Two corners? Flag one lot line? Flag all lot lines?
- When a building will be near a setback, how do you typically ensure the location? Do you have the surveyor mark a single corner, the entire lot line, the foundation location

itself? If the surveyor determines the foundation location, does this take place before or after the forms are in place?

- Do any contractors utilize control lines to pull from two or more property markers?
- Have any of the contractors done projects in other Alaska municipalities? How about projects outside of Alaska?
- If the City were to require a surveyor to verify setbacks or foundation locations, how might that impact the typical project?

Next Steps

- Invite local surveyors to attend a work session
- Review a summary of building location/setback verification & as-built requirements found in other Alaska municipalities and beyond

**NOTICE OF MEETING
WORKSESSION AGENDA**


1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **STAFF REPORT 19-30, Permitting process and building location verification** – Open discussion with contractors, surveyors, and realtors
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.**

Session 19-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on March 20, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, SMITH AND BANKS

ABSENT: COMMISSIONERS BENTZ, BERNARD (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE



The Commission met in a worksession at 5:30 p.m. On the agenda was discussion on the Permitting Process and building location verification with Licensed Residential Contractor Bruce Petska, Big Mountain Builders to provide industry perspective.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

BOS/HIGHLAND – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Alan Parks, resident, commented on the Climate Action Plan, stating that he wished he had materials to distribute to the Commission for the worksession. Mr. Parks recommended not kicking the plan back to the Council he believed that there were plenty of areas within the Plan that they should dissect the plan further and engage the public more. He believed that there was not a lot of energy within the leadership from the Borough up to the federal level to address Climate Action. He believed the Commission needed to review the issues and what is included in the plan under their scope more thoroughly before sending it back to the Council.

Scott Adams, resident, commented on clearing of the rights of way along the roads and questioning why an ordinance is required to grant permission to clear cut if there is no project.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

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

- 
- Require a survey when applying a Conditional Use Permit

Chair Venuti noted the late hour and stated that they were not going to solve this tonight and will be having additional worksessions on the issue.

INFORMATIONAL MATERIALS

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

COMMENTS OF THE AUDIENCE

Scott Adams, commented on the construction and repair of the seawall mentioned in the Manager's Report and recommended that City should review how some areas in Florida have taken steps to create wave/water breaks off the coast using tires and concrete.

COMMENTS OF THE STAFF

City Planner Abboud commented that he appreciated the comments from Commissioner Banks on the permitting process and will try to get other people scheduled for future worksessions.

COMMENTS OF THE COMMISSION

Commissioner Banks and Smith had no comments.

Commissioner Bos commented that the meeting was interesting, good discussions and everybody can walk out of here as friends, and complemented the Chair on conducting another amazing meeting.

Commissioner Highland wished City Planner Abboud Bon Voyage

Chair Venuti wished everyone Happy Spring and called for a motion to adjourn.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:37 p.m. The next regular meeting is scheduled for Wednesday, April 3, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

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Planning

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Staff Report PL 19-30

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: April 3, 2019
SUBJECT: Permitting Process and Building Location Verification

Introduction

At the last meeting, the commission heard from local residential general building contractor Bruce Petska and held a discussion about construction practices commonly found in our area, both good and bad. Several options for verifying building location were discussed, both before and after new construction. The idea to have new requirements apply to projects requiring a CUP was introduced. The commission expressed their interest in holding additional work sessions with dirt contractors, general contractors, surveyors, and realtors.

March 20 work session highlights

Mr. Petska provided some insight into the practices he utilizes including scheduling sub-contractors, providing for the needs of his clients, bank financing requirements, and utilizing licensed contractors. He pointed out that work performed by licensed contractors is guaranteed because they must be bonded, insured and uphold their license. When asked about how he utilizes surveyors he said it is often useful to have a surveyor mark the relevant property corners on a case-by-case basis. He noted that a surveyor will take a comprehensive look at the plat and be able to identify any easements or other plat note considerations that should be taken. He noted that the typical cost to have a surveyor provide an as-built is \$450 - \$750 or more.

Examples of setback verification

Attached, I provided 3 examples of how other municipalities deal with setback verification. I chose these three because they cover a range of possible requirements and may be useful for discussion purposes at the work session.

Staff Recommendations

Hold a discussion with professionals in attendance and provide direction to staff with regards to what type of projects to draft new regulation for – all projects? commercial projects only? Conditional Use Permit projects only?

Attachments

- 1.** Building setback verification examples in other municipalities
- 2.** Setback compliance policy in Louisa County Virginia
- 3.** Alaska Housing Finance Corporation Inspection guidelines for new construction (provided by Franco Venuti)
- 4.** How to access codes online (provided by Franco Venuti)

Building setback verification examples

Kenai, Alaska – population 7,100 – has building inspection program that includes a zoning department review. Residential inspection fees are based on value. Example: A \$300k house costs \$1,585. Commercial inspection fees are based on the IBC cost per square foot of construction.

Inspections required:

Footing Inspection: to be made when forms and reinforcing steel are in place. The lot corners must be marked and setbacks must be field verified at this time prior to pouring concrete. It is the property owner's responsibility to verify all setbacks meet code. A survey may be required to confirm if location is uncertain.

Louisa County, Virginia – population 33,000. Has building inspection program and zoning permit process.

4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.

Norco, California – population 27,000. Has building inspection program and zoning permit process.

Requires civil engineer or licensed land surveyor certification prior to foundation inspection.

Community Development

Written Policy #01-09; Setback Compliance Policy

Purpose:

To ensure compliance with the Louisa County regulations governing setbacks and minimum yard areas in zoning districts.

Discussion:

In recent years, there have been several occurrences of noncompliance with buildings and structures related to deficient setbacks and minimum yard areas. Too often when these violations are detected by County Staff, the building or structure has already been substantially completed. This results in a situation which requires a significant amount of County resources to resolve, as well as expense to the property owner.

The current permitting process relies heavily on the property owner to ensure compliance with setbacks. Minimum setback and yard distances are documented on all building permits as notice to property owners. In addition, plats are requested at the time of permitting and the applicant is required to show where the structure will be located on the property. At the time of application, Staff ensures that the structure is proposed in a location that complies with setback and yard area regulations. However, the review process has limited engagement with the applicant to stress the importance of setbacks, and no process currently exists, other than observance by County Staff, beyond the initial review at the time of application.

There does not appear to be any single cause for past setback and minimum yard area violations. Indeed, the current process is usually effective in ensuring compliance. However, it is recognized that more can be done to ensure compliance in the future.

A relatively recent incident of a house being built significantly inside of the front setback is an example of what can go wrong. In this instance, the applicant proposed the house in a compliant location. However, the applicant then built the house in a different location, possibly due to an error in measuring from the ROW. Staff discovered the violation, but not until mid-construction of the house.

Numerous challenges exist for Staff under the current process in ensuring compliance of setbacks. Some of these challenges may include the lack of a plat of the property; difficulty in knowing where property lines are, or where the VDOT ROW begins; limited training of inspectors in zoning regulations; lack of professional qualifications to measure setbacks; disregard of regulations by some builders; and miscommunication between contractors and the owner, as well as between contractors and inspectors at a job site.

Setback Compliance Policy:

The following additional steps in the permitting process are to be administered by Community Development Staff in the future to ensure setback compliance:

- 1) Applications will be required to include a plat of the property. In cases where no plat exists, a survey of the property shall be required to provide an accurate plat of the property. An exception may be granted for nonresidential accessory structures at the discretion of the Zoning Administrator.
- 2) Applications shall include a site plan sketch of the proposed building(s) and/or structure(s) with dimensional lines showing the proposed distance to front, side, and rear property lines. Distances from other structures on the same parcel shall also be shown. The sketch shall account for decks, stoops, steps, ramps, or similar structures. When buildings are modified, a new site plan sketch shall be required.
- 3) In addition to the minimum required setbacks, building permit applications shall document the proposed setbacks.
- 4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.
- 5) A copy of the site plan sketch shall be attached to all building plans.
- 6) Inspectors will be trained in zoning practices to understand site plan sketches.
- 7) When a survey is required for a foundation (See #4), a hold will be placed on the inspection process after foundation inspection until zoning approval is granted. Zoning review will verify that the foundation is constructed in compliance with setbacks.
- 8) The permitting process shall require that a final inspection accompany zoning approval when a setback certification report is required. Zoning review will verify that the structure is constructed in compliance with setbacks.

NEW CONSTRUCTION INSPECTION GUIDELINES

.01 INTRODUCTION

In accordance with Alaska Statute (AS) 18.56.300, residential housing constructed on or after **July 1, 1992**, must undergo an approved inspection process to be eligible for financing by Alaska Housing Finance Corporation (AHFC). The minimum number of inspections, documentation, and other requirements are outlined below.

Residential housing located in approved municipalities as described in .08 is exempt. However, such housing is subject to the building codes adopted and enforced by the approved municipality.

.02 INDEPENDENT INSPECTOR REQUIREMENTS

Only an authorized inspector meeting the following definition may perform the required inspections. An authorized inspector is not hired by, and has no relationship to, AHFC, nor a relationship (personally or financially) to the builder, developer, owner, real estate professional or other person that is a party to the transaction.

An authorized inspector is:

- An individual who is registered under AS 08.18 to perform home inspections for new construction.
- An architect licensed under AS 08.48, an engineer licensed under AS 08.48, or such other person acceptable to AHFC who has received prior approval in writing from AHFC.
- An inspector from any governmental agency outside the State of Alaska, whose function is the inspection of prefabricated/modular units which may be transported to the State of Alaska, and who inspects prefabricated units for compliance with the AHFC construction standards. This inspector may not be an employee of the manufacturer.

.03 REQUIRED INSPECTIONS

A minimum of five (5) inspections is required; more may be necessary, depending on the construction methods used. An authorized inspector performs each inspection and completes AHFC Form PUR-102, Summary of Building Inspections.

A. Plan Approval

Plan review and approval is the first inspection and should be completed prior to the beginning of construction. (Refer to .11.B for the definition of “construction start.”)

B. Footings and Foundation

Footings and foundation should be supported by undisturbed natural soils or engineered fill that complies with the applicable state building code. Footings and foundation construction should be capable of accommodating all loads and of transmitting the resulting loads to the supporting soil according to the applicable state building code.

1. Footings

Exterior walls should be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems. An inspection is made after excavations for footings are completed and any required reinforcing steel is tied in place. When applicable, ground cable should be installed.

2. Foundation

Inspections may vary depending on the type of construction and the supporting soil. The foundation inspection includes, but is not necessarily limited to, an inspection of the foundation's reinforcement, depth, drainage, anchorage, elevation, backfill, and waterproofing or damp-proofing.

C. Rough-In Inspections (Framing, Electrical, Plumbing, and Mechanical)

1. Framing

Interior and exterior walls should be constructed according to the type of material used as specified in the state building code. The framing inspection should be made after all electrical, plumbing, and mechanical rough-in has been inspected and all ducts, chimneys, hold-downs and shear walls are installed and framing is complete. Pre-assembled walls must be ICC listed. The manufacturer must comply with ICC's quality control requirements, continuing to keep the wall assemblies listed, as long as the wall assemblies are used in new construction.

Either the manufacturer of the pre-assembled walls or the contractor using them must provide the authorized inspector with a copy of the third-party evaluation report on the wall assembly. The authorized inspector must verify that each wall assembly is, at a minimum, stamped with: 1) the name and address of the manufacturer and 2) the third-party evaluation report number.

2. Electrical

The electrical inspection includes an examination of the materials, components, and electrical equipment installed. All rough wiring for the structure and the electrical service is inspected at the same time. Rough-in inspection includes, but is not necessarily limited to, all wiring within the walls, all circuit breakers, panel boards and ground splices terminated by mechanical means. The inspection takes place after all wiring systems, including the ground conductor, have been installed in approved boxes,

cabinets, and service equipment. Switches, receptacles and fixtures should not be installed at the rough-in.

3. Plumbing/Mechanical

In accordance with the state building code, the plumbing and mechanical systems are inspected prior to covering or concealing any portion of the system. The inspection takes place after the installation of all water piping, drain, waste vent piping, fuel gas piping, HVAC ducting, range, dryer and bath exhaust ducting, furnace, boiler, water heater, unit heaters, and/or other fuel fired appliances and their venting system. Also in accordance with the state building code, water or air pressure testing is required on all water, drain, waste and vent piping. Air pressure testing is required on all fuel gas piping.

D. Insulation and Vapor Barrier

Generally, the insulation/vapor barrier inspection is completed after the rough-in framing, electrical, plumbing and mechanical inspections are approved, all insulation has been installed in ceilings and walls, and all vapor retarder is in place and sealed. The authorized inspector must also have adequate access to determine compliance with Alaska Building Efficiency Standard (BEES).

E. Conditional Approval

A conditional approval is acceptable **only** when unfinished items cannot be completed due to weather or other delays beyond the builder's/contractor's control. Conditioned items must not pose a risk to health or life/safety. The lender is responsible for ensuring timely completion of the work and obtaining final documentation.

F. Final Approval

Generally, the final inspection takes place when a residential unit is 100% complete. All health or life/safety items must be addressed and the final inspection performed prior to occupancy.

.04 PREFABRICATED/MODULAR HOMES

Prefabricated/modular homes are constructed in a factory under "ideal" conditions, structurally engineered to be built in sections or modules, which can be transported to the site. During construction modular units must be inspected by the appropriate governmental entity in the state or country in which the unit is manufactured, **or** by an authorized inspector. The purpose of the inspection is to provide oversight and to ensure compliance with current adopted building codes. An authorized inspector may perform all the inspections listed on the applicable Form PUR-102, or in some cases, do so in combination with a governmental entity who certifies compliance with framing,

electrical, plumbing, mechanical, insulation, and vapor barrier. (Refer to .06 for a description of PUR-102 forms.)

A. Plans and Inspections

If a governmental entity in the state or country where the construction takes place performs the inspections, an authorized inspector must complete a plan review **prior** to the plans being submitted to the governmental agency. The plans must clearly specify the seismic zone, along with the wind and snow loading requirements for the community where the unit is to be located.

The governmental agency must conduct a plan review as well as inspecting the construction of the unit.

B. Governmental Seal/Insignia

Modular units **must** have an insignia/seal attached to each completed unit. For inspections performed by an authorized inspector in conjunction with a governmental entity, the seal shall be attached by the governmental entity at the factory. Modular manufacturers who are using authorized inspectors for the entire inspection process must develop a seal/insignia. The seal/insignia must include, at a minimum; the manufacturer's name and address, serial number of the unit along with the year built, wind and snow loading requirements and seismic zone for which the unit has been designed, construction codes used, dates of inspections, and the inspector's name. The authorized inspector must permanently affix the seal/insignia to the unit.

C. On-site and Final Inspections

An authorized inspector must complete the foundation inspection. When the modular unit is placed on the foundation, the authorized inspector must verify that the sections have been properly joined and connected according to the manufacturer's recommendations; the vapor retarder has been properly sealed, all service connections are complete and all systems are operational. The manufacturer's seal/insignia must be present and permanently attached to each section.

.05 MANUFACTURED HOMES

Manufactured homes placed on permanent foundations must comply with all the requirements of Housing and Urban Development (HUD) Regulations 24 CFR Parts 3280 and 3282 for the specific area of Alaska in which the unit is being placed.

An authorized inspector must approve the foundation plans, and inspect the footings and foundation. The inspector must be on site to certify that multi-section units are joined according to manufacturer instructions, the vapor retarder has been properly sealed, and all service connections are properly secured and operational.

Once the manufactured home has been placed on its foundation, the authorized inspector performs the final inspection to ensure the unit is properly secured, tied down and the HUD seal/insignia is in place.

.06 INSPECTION FORMS

AHFC designed Form PUR-102, Summary of Building Inspections, for the authorized inspector to sign certifying that the residential unit is in compliance with the state building code. The applicable PUR-102 should remain on the construction site until all the inspections are completed and the inspector has signed off on the final inspection.

- [Form PUR-102](#) for site built homes.
- [Form PUR-102-MD-Gov](#) for prefabricated/modular homes inspected by a governmental entity inspector **and** an authorized inspector. In addition, the governmental entity's inspection report must be recorded as addendum "A."
- [Form PUR-102-MD-Fee](#) for prefabricated/modular homes inspected by an authorized inspector only.
- [Form PUR-102-MH](#) for manufactured/mobile homes.

AHFC recognizes that more than one authorized inspector may perform inspections at various stages of construction. A certification must be made for each of the required inspections. The final inspector may rely on the certifications of the previous inspectors when signing the final inspection certifying compliance with the law.

After the builder/contractor signs the applicable PUR-102 certifying compliance with AS 18.56.300 and 15 AAC 150.030, the form should be recorded. **Recording the PUR-102 is the only means of tracking compliance with the law.** Any interested party, such as the builder, owner, or lender may take responsibility for doing so.

Note: If the PUR-102 is not recorded, the property **is not** eligible for AHFC financing.

.07 CODES AND APPENDIXES

All inspections are based on the 2009 IRC with AHFC amendments. The construction standards mean:

- For building standards, the code for all residential buildings, including those for buildings with three dwellings or less, set out in the version of the 2009 IRC with AHFC amendments. that code to buildings with fewer than three dwellings.

- For mechanical standards, the code for all residential buildings, including those for buildings with fewer than four dwellings, set out in the version of adopted 2009 IRC Standards.
- For plumbing standards, the code adopted by the Department of Labor under AS 18.60.705 except where such code conflicts with requirements for residential wastewater disposal established by the Department of Environmental Conservation (DEC) in which case the requirements of the DEC shall be the standard.
- For electrical standards, the minimum electrical code prescribed by AS 18.60.580.

.08 APPROVED MUNICIPALITIES

Annually, AHFC reviews all municipalities who submit documentation for inspection approval. In order for a municipality to obtain approval, it must **adopt and enforce** codes that meet or exceed the state building code for residential housing. (Refer to .07 Codes and Appendixes.)

AHFC determines which municipalities comply with the inspection procedures mandated by AS 18.56.300 and prepares a list for public use. The [List of Approved Municipalities](#) in the Appendix consists of the municipalities that have building codes and enforcement procedures that meet or exceed the state building code for residential housing. An approved municipality issues a “Certificate of Occupancy” or “CO” as evidence of compliance.

.09 LIABILITY OF INSPECTORS

In accordance with AS 18.56.300 (c), a person may not bring an action for damages against an authorized inspector who inspected a residential unit unless the action is for damages caused by the gross negligence or intentional misconduct of the inspector.

.10 WHEN INSPECTIONS ARE REQUIRED

A. Inspections Required

Following are examples of construction projects that must undergo the approved inspection process.

1. Any dwelling unit where construction began on or after **July 1, 1992**.
2. Improvements to any dwelling where the original construction began on or after **July 1, 1992**. If the original construction required inspections, improvements to the living space, whether a total renovation or small addition, also require inspections.

3. Newly constructed manufactured and modular housing units placed on permanent foundations.

B. No Inspections Required

Following are examples of projects that **do not** require construction inspections.

1. Improvements to dwellings where the original construction began **prior to July 1, 1992**. However, AHFC may require an inspection for an addition or renovation to determine the quality of construction and compliance with adopted building, fire and safety codes. If requested, the inspection may be performed by an architect, engineer, appraiser, or other qualified building inspector. AHFC's decision is made on a case-by-case basis and depends upon the scope and nature of improvements.
2. Non-living spaces such as garages, sheds, decks, fences, patios, workshops, and boat sheds do not require inspections.
3. Non-conforming housing as determined by AHFC and defined in the Selling Guide Section 5006.

.11 DEFINITIONS

A. Inspection

Except for plan approval, an inspection means an "on-site" inspection(s) of the construction project.

Exception: With AHFC's prior written approval, foundation inspections in rural areas (those meeting the definition of "rural" in the Selling Guide Section 1003), may be conducted by videotape, representative stationary photos, or other acceptable methods. A disinterested third party should take the videotape and/or representative photos, which must fully represent the work performed and the inspection being conducted.

B. Construction Start

AHFC considers construction to have begun if the pilings, footings, or foundation has been started. Any improvement to a dwelling where the original construction began on or after **July 1, 1992**, must meet the minimum required inspections. If the original construction required inspections, inspections are required when making improvements to the living space.

.01 INTRODUCTION

In accordance with Alaska Statute (AS) 18.56.300, residential housing constructed on or after **July 1, 1992**, must undergo an approved inspection process to be eligible for financing by Alaska Housing Finance Corporation (AHFC). If the inspections were not performed, meeting this requirement may be difficult. Satisfactory completion of a “destructive inspection,” by an authorized inspector **and** an engineer, **may** satisfy this requirement when accompanied by a signed and notarized *Destructive Inspection Certification*. Following are minimum procedures for conducting a “destructive inspection.”

AHFC does not encourage this type of inspection to certify compliance with the law. Therefore, the borrower(s) must acknowledge and accept the inspection report and agree to hold AHFC harmless of any deficiencies in construction of the residence.

.02 GUIDELINES

An authorized inspector and engineer must conduct a physical inspection of the property accompanied by a duly authorized lender’s representative. Using inspection procedures as outlined below, the authorized inspector and engineer determine whether or not a property (that was not initially inspected) complies with statutes. The inspector completes the applicable AHFC Form PUR-102, **and** a *Destructive Inspection Certification*, **if** the property is in compliance.

The authorized inspector retains the following items for a period of five (5) years and makes them available to AHFC upon request; authorized inspector’s and engineer’s written report, continuous video recording of the inspection and stationary color photos as required below.

.03 INSPECTION PROCEDURES

The following aspects of construction must be addressed in the written reports as described.

A. Plan Approval

Plans are reviewed and approved by both the authorized inspector and engineer. The engineer should calculate the adequacy of the size and span of the floor joist and beams. The engineer’s report should address the depth of the footings and adequacy of the foundation for soil conditions. The engineer should state that the improvements are structurally sound and generally meet the state building code.

B. Footings and Foundation

The engineer must certify that he/she has conducted tests on the footings and foundation walls. Tests must establish that reinforcement steel (rebar) was properly sized and placed in concrete. If the foundation consists of pilings (driven or drilled), a copy of the piling installer's log must be reviewed to verify depth and adequacy for the structure and soil conditions.

C. Framing, Electrical, Plumbing and Mechanical

Refer to *New Construction Inspection Guidelines, .07 Codes and Appendixes*, for related code information.

1. Framing

The report must include photos that show framing connectors are properly installed (i.e. truss hold-down clips), the attic is properly vented, and all flashing required is in place. The authorized inspector must certify that handrails and guardrails meet codes.

2. Electrical

The following electrical items require inspection.

- All electrical outlets must be tested and demonstrate continuous sequencing. The electrical panel box should be properly wired and marked; photos should be provided.
- Smoke detectors should be operational and conform to code.
- Any areas where a G.F.C.I. outlet is required should be properly wired.

In addition, a hole must be cut in the sheetrock in at least two locations (other than the laundry room) to inspect wiring at the junction box. Photos evidencing wiring properly stapled at the box should be included.

3. Plumbing

Plumbing must conform to the state building code. The inspection must include a water or air pressure test on the waste vent and water system. In the laundry area, bathroom, or kitchen, a hole must be cut in the sheetrock to inspect the wastewater and venting in the plumbing wall. Photos showing the plumbing in this area must be included in the report.

4. Mechanical

Mechanical components must meet the state building code and be properly installed.

D. Insulation/Energy Efficiency

This inspection includes **cutting a hole** in the sheetrock to verify the adequacy of insulation, and that the insulation is properly installed. The Lender's representative may

select the location at random. The inspector must also address the insulation in the floor and ceiling. Photos must evidence satisfactory installation of the vapor barrier. The house must be rated 5 Star or better by the energy rater and the inspector must confirm adequate ventilation for the indoor environment.

.04 FORMS

A. Form PUR-102

The authorized inspector completes the applicable Form PUR-102, depending on the construction methods used. This form is recorded along with a *Destructive Inspection Certification*.

B. Destructive Inspection Certification

The authorized inspector completes a *Destructive Inspection Certification*, which is notarized and recorded along with Form PUR-102. This recorded document serves as public notification that the destructive inspection method was used to certify compliance with the law (AS 18.56.300).

This certification must be recorded as an addendum to Form PUR-102 07/04



March 28, 2014

DESTRUCTIVE INSPECTION

CERTIFICATION

By my signature below, I certify that this dwelling meets the construction standards as outlined in AS18.56.300 and 15 AAC 150.097.

INSPECTOR: _____ LICENSE#: _____ Date: _____
ACKNOWLEDGMENT STATE OF ALASKA)) SS.

_____ Judicial District)

On this ____ day of _____, _____, before me, a Notary Public in and for the State of Alaska, personally appeared _____ and _____ known to be the person(s) who executed the above instrument freely and voluntarily for the purpose therein mentioned.

My Commission Expires: _____

By my signature below, I certify that this dwelling meets the construction standards as outlined in AS18.56.300 and 15 AAC 150.097.

ENGINEER: _____ Seal: _____ Date: _____
ACKNOWLEDGMENT STATE OF ALASKA)) SS.

_____ Judicial District)

On this ____ day of _____, _____, before me, a Notary Public in and for the State of Alaska, personally appeared _____ and _____ known to be the person(s) who executed the above instrument freely and voluntarily for the purpose therein mentioned.

My Commission Expires: _____

AN EASY LESSON ON HOW TO ACCESS CODES ON LINE

Go to: www.dps.alaska.gov

Click on ~ Divisions

Go to: Fire & Life Safety

Go to: Quick Links

Click on ~ AK Adopted Codes

Click on ~ to view ICC codes click **here**

Click on ~ Go to public access (lower right hand green tab)

Click on ~ I-codes (lower left hand green tab)

Move the sliding time bar left to **2012**

If building a residence

Click on ~ **2012 IRC** (we are currently using the 2012 IRC)

Click on ~ **2012 IRC twelfth printing**

This will bring you to the **Table of contents**

It is important to read. **Chapter 3**

Note the basic wind speeds **Figure R301.2(4)A**

Read & understand **Chapter 6**

Understand & use **Table R602.3(1) ~ Fastener Schedule for Structural Members**

You should also Go to: 2012 AWC ~120 mph, exposure C High-Wind Guide
<http://www.awc.org/pdf/codes-standards/publications/wfcm/AWC-WFCM2012-HWG120C-1511.pdf>

These standards are required anywhere the basic wind speeds exceed 100 mph.

(Homer is in a 120 mph basic wind speed zone)

If building a commercial project

Click on ~ **2012 IBC**

**NOTICE OF MEETING
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **STAFF REPORT 19-30, Permitting process and building location verification** – Open discussion with contractors, surveyors, and realtors **p. 43**
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.**

Session 19-07, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on April 3, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, SMITH, HIGHLAND, BENTZ AND BANKS

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. On the agenda was discussion on the Permitting Process and Building Location verification with Licensed Residential Contractors to provide industry perspective.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ - SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of March 20, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ - SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 19-27, City Planner's Report

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

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



- Implementing requirements for interim check points on applications and permits and various other items such as surveys
- Property lines, corners marking

Deputy City Planner Engebretsen acknowledged that staff had their working points from the worksession and will start to address those things to have ready for the Commission.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the March 26, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

Heath Smith, resident, commented on the East End Mixed Use District and encouraged the codification and he was not sure what to think of a residential sprinkler system requirement. He believed requiring asbuilts would be a good thing and as far as he was aware all banks require them. He also encouraged the Commission to consider attaching a large fine if there is not an intermediate step and make it large, especially if they do not build to what they said they were going to. Mr. Smith also commented on building height being dependent on the location with regard to viewshed. He thanked the Commissioners.

COMMENTS OF THE STAFF

Deputy City Planner Engebretsen reminded the Commissioners of the City Planner's upcoming schedule, the Conditional Use Permit for the next agenda and cautioned about ex parte communications and thanked the Commission for a productive meeting.

Deputy City Clerk Krause commented on the Commission implementing fines would have the support of at least one person on Council referring to Council member Smith's comments.

COMMENTS OF THE COMMISSION

Commissioner Highland apologized for missing the worksession for some reason her packet did not have the worksession agenda. Hopefully they will have a new member soon.

Commissioner Bos good meeting tonight he thought everyone did a good job tonight.

Commissioner Bentz apologized for missing the last meeting as it appears there was a lot discussion on the Climate Action Plan, she saw that the Commission sent a request for further direction to the City Council and in three weeks she will be attending the National Adaptation Forum and potentially be bringing back materials for the Commission to use in any scoping projects and updating the plan; she appreciated the Mayor attending the worksession tonight and providing clarification on his vision and that was limited to clerk time and task force activity so keeping that in mind that the scope of what they can do at this time is building capacity in the future to updating that plan.

Commissioner Smith had no comments.

Commissioner Banks echoed the sentiments that it was a good meeting, appreciated having the contractors here tonight and agreed that if the Staff talked with the surveyors that would be adequate adding that in his opinion they did not need to have another worksession scheduled on the topic. With



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Staff Report PL 19-38

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: May 1, 2019
SUBJECT: Zoning Permit Process and Building Location Verification

Introduction

Currently, City code requires a Zoning Permit for all new residential construction in Homer. In order to gain this permit, the property owner must provide a site plan drawing depicting the proposed location of new buildings in relation to required setbacks; however, there is currently no mechanism for verifying the actual placement of new buildings covered by the permit.

An increased level of accuracy for building placement is beneficially to the community. Future owners and neighbors will be assured houses are not encroaching on a setback or worse – on their neighbor's property. Considering houses are permanent improvements that are often bought and sold repeatedly, their legal placement has a lasting effect on the built environment. Legally placed structures improve the overall quality of Homer's housing stock, furthering our Comprehensive Plan goals.

For these reasons, the commission is seeking a way to encourage new construction to adhere to proposed site plans and ensure buildings are placed in their proper location.

Analysis

Setback verification is common practice throughout Alaska and the nation. Some cities verify setbacks in the field during routine foundation inspections, while others require a surveyor to independently verify the setback. Many cities require in-field verification of foundation setbacks as well as as-builts, stamped by a licensed surveyor, upon project completion.

All examples of building setback verification that I could find in other communities had a common theme - a building inspection program. Homer's lack of a building department make it difficult to...well...perform inspections of this nature. The community's appetite for establishing a building department is unclear at this time. An effort toward this end will involve a larger community discussion with consideration of many more factors than what is on the table at this time - building placement is a small piece of this puzzle. Fortunately, three options have been identified

to provide better assurance of building placement, without imposing a building inspection program.

Option 1 - Require property owners to have a surveyor stake those portions of property lines nearest the building site, when the proposed building location is within 20 feet of required setbacks.

This option will ensure that the property owner knows precisely where their boundaries are in relation to the building site for those projects that have potential to encroach on setbacks. It will not verify the structure's location, but will greatly reduce the risk of improper placement by ensuring the property owner knows the precise location of their boundaries.

In practice, the property owner or contractor will need to schedule a surveyor in advance of their project and the cost of the surveyor's fieldwork will be relatively inexpensive. The property owner/contractor will assume responsibility for the building's location. The property owner would submit a City form (signed by the surveyor) verifying the property lines near the proposed building site, as indicated by the site plan, were staked prior to starting construction of the foundation. The property owner or contractor would have the freedom to pull their own control lines for the structure location, or have the surveyor do this work.

Option 2 - Require the property owner to have a surveyor verify the foundation location when the proposed building location is within 20 feet of required setbacks.

This is the only option that will verify the structure's location prior to construction for those projects that have potential to encroach on setbacks.

In practice, the property owner or contractor will need to schedule a surveyor during a specific window of time. The cost of the surveyor's fieldwork will be relatively inexpensive. The property owner would submit a City form (signed by the surveyor) verifying the foundation forms meet the setbacks, prior to pouring the foundation.

Option 3 – Require an as-built, produced by a licensed surveyor, upon project completion.

This option will result in a product that documents the finished improvement. It will not ensure the building meets setbacks, although, there may be added incentive for property owners to positively identify their lot lines and setbacks in advance of the project. In practice, this will not come with additional upfront costs or affect the project timeline, but the added cost of an as-built will be passed along to the property owner.

The as-built would be kept on file in the Planning Office. Our office will have little use for the document, although it may be useful for property owners looking to build additions or sell their property, as well as to prospective buyers of the property. Note that City code already requires commercial buildings to submit as-builts upon completion. (See attachment, HCC 21.70.040)

Staff Recommendation

I believe option 1 is the most practical action to take for encouraging new construction meets setbacks. Making sure property owners know where their property boundaries are, as they relate to their project, is the most important step toward ensuring buildings don't encroach on setbacks. This step alone will constitute a big step in the right direction.

Please discuss each option and make a recommendation for staff to draft code for one or more of the options.

Attachment:

City Code 21.70.040

21.70.040 Permit terms.

- a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in which to complete the work authorized by the permit. If the work is not completed within the time allowed, the City Planner may grant one reasonable extension for good cause shown. No additional extension will be granted, except upon the approval of the Commission for good cause shown.
- b. A zoning permit for a multiple-family dwelling or for a building or structure for commercial or industrial use shall require the applicant to submit to the City Planner, promptly after completion of the work:
1. An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions, and proximity to all lot lines of all buildings and structures covered by the permit;
 2. An as-built schematic of the completed building(s) and structure(s) showing at least the perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and
 3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such codes adopted by the State of Alaska. [Ord. 08-29, 2008].

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Mr. Latimer added that it has been replatted several times **it was originally in the 1970's and believed it was platted back in 1993.**

There was a brief discussion on the platting of the lot fronting Claudia Street.

Vice Chair Banks requested a motion.

HIGHLAND/BENTZ - MOVE TO ADOPT STAFF REPORT 19-36 AND RECOMMEND APPROVAL OF A PRELIMINARY PLAT TO SHIFT COMMON LOT LINE BETWEEN TWO PARCELS WITH THE FOLLOWING COMMENTS:

1. INCLUDE PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION IF ANY. PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
2. SHOW AREAS OF SLOPE OVER TWENTY PERCENT (20 %) IN GRADE
3. VERIFY THAT LOT FIVE (5) MEETS THE MINIMUM LOT SIZE STANDARD OF FORTY THOUSAND (40,000) SQUARE FEET AS REQUIRED BY HOMER CITY CODE 21.12.040(A)(1)
4. PROVIDE A 15 FOOT UTILITY EASEMENT FRONTING THE ROW FOR LOT 6 ALONG CLAUDIA STREET AND LOT 5 ALONG WEST HILL ROAD

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Petska-Rubalcava returned to the table.

PENDING BUSINESS

A. Staff Report 19-37, Measuring Building Heights

Vice Chair Banks introduced the item into the record by reading of the title and invited City Planner Abboud to present the report to the Commission.

City Planner Abboud reviewed the report for the Commission.

There were no questions or comments from the Commission.

B. Staff Report 19-38, Zoning Permit Process and Building Location Verification

Vice Chair Banks introduced the item into the record by reading of the title.

Planning Technician Brown provided an introduction to Tom Latimer, surveyor and Pat McNary Project Manager stating they will be available for questions from the Commissioners tonight.



Planning Technician Brown reviewed his report for the Commission recommending Option 1 as the most practical for encouraging new construction meets setback requirements.

Mr. Latimer was invited to comment on the topic by Vice Chair Banks since they had not heard from a **surveyor's point of view.**

Mr. Latimer stated that Option 1 would satisfy 95% of the concerns that the Commission has with regard to the meeting the setback requirement, requiring asbuilts means the problem has already happened so get it staked before construction. Option 2 would present a scheduling nightmare. He noted that they have all built houses and been arguing with our significant others on whether it was here or there on the lot. He believed that as long as the corners are staked and the line gets pulled off of that you are good to go. He cautioned that in Anchorage the use of asbuilts have become a problem since they are only meant for a specific point in time but in Anchorage they are used for building permits all the time and that is not what they were created for, asbuilts may not reflect all additions or decks, porches, etcetera that may have been constructed since that asbuilt had been done. Asbuilts do not have title searches, they do not show all easements for the property such as viewshed or waterline.

Commissioner Highland requested clarification from the City Planner that Option 1 would be a requirement when that factor of within 20 feet of setback is in place.

City Planner Abboud confirmed that when someone submitted the site plan for their project and it indicated they were close to that distance it would be required.

Planning Technician Brown added that is somewhat arbitrary as the range of distance was 5-15 feet in other communities that did not have a building code. He chose a number from his experience and opined it was reasonable distance.

City Planner Abboud further explained that when a site plan is submitted it is supposed to be a scale drawing and should reflect the structures distances from various points such as other structures or property lines.

Commissioner Bos questioned if Planning Staff using available technology confirms the related easements and engineering that has been done on the parcel.

City Planner Abboud stated that they do not perform a title search but they do know what is available to the Planning Department. He then noted that most of these will apply to narrow lots.

Commissioner Bos stated that there is really not a lot of accountability, they do not have a particular worry with licensed contractors, but more of the home owner builder, but did not want to make it too onerous on the homeowner. He requested Mr. Latimer to provide the Commission his opinion on the subject.

Mr. Latimer agreed not wanting to make it onerous, this would not be producing documentation but only stakes in the field, you can go a step further to request a statement from the Surveyor on placement of stakes and pictures with an additional cost but those stakes will be gone with the construction. He agreed that a survey is invaluable to the property owner, he further stated that depending on the level of survey that the owner would like. It can be performed from just setting stakes to performing an ALTA Survey which is typically used for a high value commercial property that includes a title search. He further added that he would not purchase a property without a survey.

Commissioner Bentz appreciated the point expressed on the expiration and utility of asbuilts and that the value of requiring **Option 3 in her mind from the commission's previous discussions is it reduce the time** and capacity for staff to go out in the field and check the buildings location upon project completion so an asbuilt would be the client bringing proof that the building is located where it is supposed to be; and going forward on Option 1 is that just a verbal statement from the property owner or a written report that was provided to the Planning Department.

City Planner Abboud requested the Commission to provide exactly what conditions did they want to require an Asbuilt and what purpose that serves.

Vice Chair Banks commented that he believed from the comments of the Contractors that Option 3 would be the most useful, since the argument is that the property owner will be more aware of where the structure is placed knowing that they will be required to submit an asbuilt at the completion of the project. If you are out of place with your structure there will be consequences. As to what projects that would be applied to, that was a good question. He believed this discussion transitioned from the discussion on Conditional Use Permits and not knowing where they put the structure and that they did not encroach on the setbacks. Mr. Banks continued that any project within 20 feet of any setback would require an asbuilt. He requested feedback from Mr. Latimer.

Mr. Latimer agreed that it would certainly motivate the property owner and as with most surveyors he offers a discount if he has already staked the lines but noted what the City Planner commented on that once it is completed there is no options available. The property owner is going to ask forgiveness or not. He believed the property should be staked prior to the start of the property and then asbuilts upon completion would ensure that it complied.

Commissioner Bentz stated that there are different level of asbuilts with regard to commercial and residential as well as cost and going forward that the Commission could see the level of asbuilts that would be reasonable and definition of that would be good to see in the future.

Planning Technician Brown responded that they could perform that research and in response to a previous question on Option 1 what would it look like as verification they could develop a simple form to be completed by the surveyor. He will provide that information at a later meeting.

Vice Chair Banks requested confirmation that the Commission was not interested in Option 2. There was no dissent to his statement.

Vice Chair Banks requested confirmation from the Commission, that Option 1, with possibly Option 3, come back to them in more detail.

City Planner Abboud requested further clarification from the Commission on the conditions that they would exclude or not exclude, the Commission previously mentioned Conditional Use Permits which is a good start, a lot with no structure or shed over 200 sf. Is there any consensus now or they could go over it in a staff report.

Vice Chair Banks responded that maybe a permanent foundation, or an addition to the structure? It has been stated that having the asbuilt is potentially useful in determining what was there in the future.

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Commissioner Bos requested clarification on an application for a Conditional Use Permit or any permit.

City Planner Abboud responded that they are all zoning permits to him. He was not speaking specifically on CUP.

Commissioner Bos continued by questioning if they should accept less than an asbuilt on a Conditional Use Permit. Also they currently put standard requirements on Preliminary Plats, lighting, etc. and how do we know they have done those requirements.

City Planner Abboud responded that they check the plats and the data on wetland mapping for their permits.

Planning Technician reviewed the Commissioners requests for additional information at the next meeting.

City Planner Abboud brought forward that they reduced the cost for porch permit, so was requesting clarification on the cutoff point, such as within 20 feet of setback, so a minor addition of a couple of feet extending from an existing structure would not require an asbuilt.

Commissioner Petska-Rubalcava requested information on what is leading this discussion and possible changes to be implemented and adding additional costs to the property owners.

City Planner Abboud provided some feedback and previous experience and trying to manage this reasonably in the future since at almost every meeting they discussion on a building department comes up.

Mr. Latimer provided information on an ALTA Survey explaining it is a term that will come up during the research staff will be conducting.

NEW BUSINESS

A. Staff Report 19-39, Review of Police Station Landscaping Plan

Vice Chair Banks introduced the item by reading of the title.

City Planner Abboud reviewed the report by referencing the drawing that was provided for the benefit of the commission. He did note that this action comes before the commission as a requirement to the CUP application and it is only for the Commission to review before he approves the plan.

City Planner Abboud noted that the City contracted with Brenda Adams with Gardens by Design for the Landscape Plan and then proceeded to point out the various areas where the plantings will be done. He mentioned that placement of Public Art so no planting will be done in front of the vehicle shed along Heath Street.

Pat McNary, Project Manager, took the requirement seriously on bringing this plan back before the Commission and consideration for non-moose attracting plants, explaining that Ms. Adams had exerted great effort and diligence in providing plants that will be attractive, provide texture and color throughout most of the year plus make the site very aesthetically pleasing.

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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

Mr. McNary, city resident, commented that he has been building in Alaska for 42 years and having a requirement of a survey as a condition since we do not have inspectors or the codes, he thought it was a great idea, just a great idea.

COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that it was an informative meeting.

COMMENTS OF THE COMMISSION

Commissioner Highland wished everyone a Happy May Day.

Commissioner Bos complimented Vice Chair Banks on running an efficient meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:04 p.m. The next regular meeting is scheduled for Wednesday, May 15, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____



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Staff Report PL 19-54

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: June 5, 2019
SUBJECT: Zoning Permit Process and Building Location Verification

Introduction

This topic began with the desire of some commissioners to increase the application standard for CUPs and better ensure CUP compliance. This can be done by requiring a survey or as-built as part of the CUP application and another as-built upon project completion. Additionally, requiring property lines to be staked by a licensed surveyor for buildings that are proposed near setbacks has been brought forth as a way to prevent buildings from being built in an illegal location. Staff has proposed some options for adding additional permitting standards to CUPs.

New permitting standards

At the last meeting, the commission generally agreed that verifying foundation locations during construction is impractical for a variety of reasons. Instead, we are looking at two other ways to better ensure legal building placement; by requiring as-builts upon project completion or by requiring property owners to have their property lines staked by a licensed surveyor prior to construction. The commission asked for some more information about as-builts, so I have provided a summary of my research below.

As-builts

An as-built is a survey to physically locate structures and improvements on a parcel of land. Local authorities commonly require them prior to issuance of Certificates of Occupancy. For larger projects, contractors use them to track progress and ensure projects are built according to plans and in compliance with local codes. Lenders or title companies commonly use them for mortgage purposes. The information included in an as-built survey will vary depending on its purpose.

The highest standard, known as an ALTA land survey, is used for titling insurance purposes for larger commercial projects that will carry a special title insurance endorsement, offering greater protection of the investment. It will involve much research and time and will establish or reestablish boundaries, resolve property line discrepancies, show all easements and encroachments, address legal access, zoning rules, as well as show improvements. For the

typical residential mortgage, a much more simple form of as-built is utilized. These as-builts will show improvements, but not include boundary monumentation, and may not show all easements on the property. One of the title companies in Homer will typically require this simple type of mortgage as-built for new construction or when the property hasn't had an as-built documented in past transactions.

As pointed out by Syverine at the last meeting, requiring an as-built upon project completion will provide a mechanism for staff to document finished projects and close out permits. It may also provide an incentive for property owners to hire a surveyor earlier on in their project, knowing that one will be needed by the end of the project.

Staking property corners

Requiring property owners to have a surveyor mark their property lines, for those projects that have the potential to encroach on setbacks, will likely greatly reduce the risk of improper building placement. This has been discussed thoroughly in past meetings.

Staff Recommendation

Discuss the following four options and vote on a motion to apply one of them as a new standard for CUP projects.

Option 1A – Require an as-built upon project completion for all CUPs.

Option 1B–Option 1A AND require a current as-built as part of the CUP application, for those properties with existing improvements.

Option 1C – Require property lines be staked by a licensed surveyor prior to construction for all improvements that are proposed within 20 feet of a required setback, for all CUPs.

Option 1D – Option 1C AND require an as-built upon project completion for all CUPs.

Further discussion included the points of fire suppression and any building over the current 35 feet and the requirement to be sprinklered; not allowing residential in such buildings. Questioning if this should be limited to marine industry; what other additional other businesses that could be accommodated such as possibly a factory are unknown; no hotels could be built in the district; the ability to move vessels without the requirement to dismantle technology, antennas, etc; storage garages for large vessels, buses, RV's; stackable recreational storage facilities; improvements to the economy of the marine industry to bring real paying jobs to Homer; Fire Marshal approval would be a requirement; Conditional Use Permit is preferred for buildings over 35 feet, non-residential structural.

City planner Abboud provided clarification on the effect of negative impact is to the residential qualities over business would not stand so much in the East End Mixed Use District. He cited examples of areas in the Lower 48 where one sees an industrial area and then one lone single residential property.

There was no further discussion.

B. Staff Report 19-54, Permitting requirements – asbuilts

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-54 and noted the following:

- Applies to the CUP process only
- If included in the permitting process overall then what would they exclude if anything
- Implementing a steep fine if done wrong
- Enforcement issues
- No Construction/Building Department

Discussion ensued on the following by the Commission and City Planner:

- Application for a Conditional Use Permit the applicant should provide a survey or an asbuilt and then they should provide a confirmation from the surveyor at completion.
- Not all CUP applications are the same, the owner/builder should not have to go through a public process which can be trying not to mention those requirements can cause undo expense
- Having a survey on the property will provide value to the property
- Depending on the type of survey they do not show all easements, boundary monumentation, only improvements if any, so a question would be if everything is not shown on the plat who would be liable.
- Any changes would have to be recordable to be found and while ALTA surveys would be best this process is the best until the City adopts building codes.
- The Commission only sees the Conditional Use Permit applications and does not review and see all the Building Permits.

- The type of Building Permit applications received by the Planning Department can be as conceptual sketch on a napkin to engineered drawings.
- Homer is the exception with not having a Building Department for a municipality of its size.
- They could apply this requirement on all building permits to require a survey
- Current projects are being inspected and built according to Standard International and National Standards which is being driven by the Financing industry.

Chair Venuti called for a recess at 8:28 p.m. The meeting was called back at 8:32 pm

The Commission discussed their preferences in the Options provided and discussed and whether it applied only to CUP's or all Building Permits within the 20 foot setback or not and it could be relevant to building location and septic.

Chair Venuti called for a motion.

Commissioner Highland provided some direction to Commissioner Smith on how he could formulate the motion needed.

Commissioner Bos requested clarification on including the 20 foot setback specificity within the motion providing his recall of the input from the surveyors.

PETSKA-RUBALCAVA/BOS – MOVED TO REQUIRE PROPERTY LINES BE STAKED BY A LICENSED SURVEYOR PRIOR TO CONSTRUCTION FOR ALL IMPROVEMENTS AND FURTHER REQUIRE AN ASBUILT BE DONE UPON PROJECT COMPLETION.

City Planner Abboud explained that staff would bring something back at the next meeting for further review and possible discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A.** City Manager's Report for the May 28, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

Kim Seymour, city resident, stated that he decided to hang out to see what the Commission does and then commented in support of the idea of raising the building height testifying that



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Staff Report PL 19-58

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: June 19, 2019
SUBJECT: Zoning Permit & CUP Requirements

Introduction

At the last meeting, a motion was passed that made clear that the Commission's wishes to have property lines be staked by a licensed surveyor prior to construction for all improvements and to require an asbuilt be submitted upon project completion. Staff is working on recommendations to amend title 21 that will be presented and voted on at the July meeting.

The staff recommendations will be in consideration of current permitting procedures so that the resulting changes will be practical to implement and enforce. Title 21 will be reviewed so the recommended changes are clear and avoid creating conflicting rules.

Some of the things under consideration are:

- Which projects will trigger staking? All new construction? All new construction within a certain distance of the property lines? Only additions/remodels over a certain market value such as \$5,000?, \$10,000?, more or less? Only construction exceeding a certain building footprint area?
- Which projects will trigger an as-built submittal? All new construction? Only additions/remodels over a certain market value such as \$5,000?, \$10,000?, more or less? Only construction exceeding a certain building footprint area?
- What is the timeframe requirement for submitting asbuilts? Upon project completion? Prior to the expiration of the zoning permit, 18 months from start?
- At what phase of the project will staking be required? Prior to applying for a zoning permit? Prior to start of construction?
- How will our office verify that staking has been done? Require the applicant to provide a form filled out by a surveyor? What specific information will we need from the surveyor?
- How will our office process, file, and retain the additional paperwork?
- Will projects that required a CUP be treated differently?

Staff Recommendation:

While the administrative questions will need to be resolved by staff, additional commission discussion on some of these questions will be helpful. Please discuss the first two bullet points and, if a consensus is reached, make a motion.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 19-58, Zoning Permit & CUP Requirements

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

City Planner Abboud reviewed Staff Report 19-58 for the Commission.

City Planner Abboud provided input on the actions that would be required of the Planning Staff. He noted that the Commission did discuss requiring an asbuilt for a CUP application.

Chair Venuti inquired how they would handle enforcement since that did not appear to be addressed.

City Planner Abboud responded that they would have to insert the requirement and determine the time frame that the applicant would need to respond.

Commissioner Bentz supported all new construction and addition remodels within a certain distance of setback or property lines.


Commissioner Petska-Rubalcava requested clarification on the existing requirement of a zoning permit for anything greater than 200 square feet.

City Planner Abboud responded that was correct and it could be separate utility shed.

Further comments and opinions were expressed by Commissioners on the triggers that would require providing a survey in regards to the goals of implementing these requirements.

Commissioner Smith related his personal experience with his existing Home Owners Association.

There was further comments and discussion on drafting permitting procedure to test with variables, existing metal property markers, previously agreed upon triggers of being within 5 feet of property line or setbacks; the costs to make the requirement even on large parcels; surveys or asbuilts provide added value to a parcel; there is a gap in the requirement and benefit between the property owner and the city; a survey only shows the property in relationship to the property lines and is normally required to finance a purchase.



Commissioner Smith asked, if understanding that a survey could affect the value of a property, do we all agree that holding all builders, whether professional or owner-builder, accountable for construction position is the reason that the Commission is having this discussion.

The Commissioners agreed by consensus to the statement.

Commissioner Smith continued by stating that the task for the Commission is determining how that will get done. He acknowledged that added value is a side benefit, but that the Commission should start with the areas that they agree upon.

Commissioner Bentz offered that they should not use market value but should use distance from setback lines, property lines or easement if the goal is to focus on location.

Commissioner Smith inquired if there was any objection to applying that to all new construction. He stated that they will have a system of accountability for all new construction including a vacant lot having its first structure or a lot that has an existing structure adding another structure or expansion to a current structure.

Commissioner Bos agreed with that statement and Commissioner Bentz disagreed stating that they need to determine what the amendments apply to (scope) and then what those amendments are; Commissioner Bentz further recommended that they get Title 21 with actionable practical amendments and walk through a couple of different projects and scenarios to make sure it is not too onerous for low risk, small projects and covers all the bases for larger, high risk projects.

Commissioner Smith suggested that the Commission have a worksession.

SMITH/BOS MOVED TO HOLD A WORKSESSION IN THE NEAR FUTURE TO CONTINUE DISCUSSION ON THE ISSUE.

A brief discussion to clarify the request from Staff for a decision to be made at the July meeting and City Planner Abboud noted that it was up to the Commission. Staff was trying to facilitate completion of the process.

Discussion ensued on the variables that could affect the requirement of a survey and what impacts that enforcement and requirement for construction of structures on property and what that would mean to property owners and city staff in regards to paperwork and follow-up.

Commissioner Smith requested the City Planner to provide polar opposites to review at the worksession.

City Planner Abboud referencing the map provided for the previously approved plat on page 80 of the packet as an example and stated that he will go through the previous year's applications as scenarios.

Commissioner Petska-Rubalcava requested City Planner Abboud to create a statement such as, "within 30 feet of property or at City Planner's discretion."

Commissioner Bentz requested a draft of the permitting procedure in place so that the Commission can stress test the variables. She repeated the variables for the City Planner to present 1. Applicant brings in a site plan which would trigger potential staking by a Surveyor; 2. Form completed by the Surveyor confirming such was accomplished; and 3. Asbuilt of completed construction project.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:51 p.m. The meeting was called back to order at 7:55 p.m.

B. Staff Report 19-59, Building Height in the East End Mixed Use District

Chair Venuti introduced the title into the record.

City Planner Abboud provided a summary of Staff Report 19-59 confirming the actions of the Commission at the last meeting as follows:

- Residential units should not to exceed the current 35 foot height limit
- A CUP should be required for buildings over 35 feet up to the 75 foot height maximum
- Access and sprinklers would be a potential requirement of the State Fire Marshal

City Planner Abboud noted that Staff is still performing research on concerns of taller buildings in relationship to the airport, there are requirements already in effect that trigger FAA review, buildings over 200 feet and telecommunication towers regardless of proximity to the airport.

Discussion on the following:

- How a setback from a property line was determined was an "it depends" situation
- If there was concern with how close, for example two 70 foot buildings, were constructed. City Planner Abboud will check with the Fire Chief and get his input.
- The difficulty in access and fighting a structure fire in a structure of this size
- Possible State Fire Marshall requirements
- CUP required for any building over 35 feet will be presented before the Commission and through the CUP it will be determined if a building that is 75 feet will impact adjacent property values
- All conflicts will be resolved in favor of the business



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Staff Report PL 19-75

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: August 21, 2019
SUBJECT: Permitting

Introduction

After getting bumped from the last few work sessions, we have time to discuss permitting requirements.

Analysis

The Commission requested a work session to see a draft form of code that would be addressed by three items. I have attached a document that shows the sections of code, it is not in a final draft form. It shows the sections of code that would be impacted by the proposed regulations including after-build surveys, marking of property boundaries, and using surveys for site plans.

HCC 21.70 contains all the language associated with zoning permits. In addition to this section, we would have to address the site plans per HCC21.73, as a CUP does not have a requirement to produce a zoning permit for the application. Finally, we would need to address any physical siting requirements for staking in the site development standards section. I will note that this is yet another item that would traditionally be addressed in the building section of code, which would be administered by a building official. All three of the items will introduce additional work load which, hopefully, will be reasonable to enforce.

In consideration of the operational ability of the office, I would like the commission to consider rolling out the item of highest value first to gain some experience with compliance. I address the items individually below.

After construction as-built survey

I believe that the highest value item out of the three is the after-build as-built survey. This would provide the office with a certification that the improvements have met the regulations. While it may take some wrangling to ensure submittal, the timeframe for submittal should be sufficient for the applicant and does not introduce delays to project timeframes when surveyors are not immediately available. It would also likely influence a more thoughtful

structure siting process. The as-built survey will also have value to the property owner as a useful document at sale or for use in consideration of future improvements. This item can be address in HCC 21.70.040, Permit terms lines 95-105.

Staking of property lines

Here is the building department item. For lack of a better place, such as Title 12 where building code would go, we can locate this item in the development standards. Since the 3 levels of standards are not built upon as the level increases, it requires an addition to all three developmental standards found in code in code (lines 190-201).

Staking could be practical if it is in a reasonable relation to the actual construction or the development is found precariously close to a setback. Perhaps it would be better addressed to only be necessary if a development is proposed to be within several feet of a setback.

As-built/survey use for site plans

I find that this item is not particularly popular in smaller communities. I find it unnecessary for someone to use a survey on an unimproved property when a plat or diagram would produce the same results while providing no superior guidance in the field. A survey may be beneficial when a property already has improvements. If this item is still entertained by the commission, I would recommend that it is only necessary if improvements already exist on the lot and/or in the case of a CUP with existing improvements.

You will see throughout the code words in red. These are the places that we may change to require a survey for a site plan.

Summary

I hope we all have an understanding of the value of the proposed items verses the scale of the issues. We have actually have had very few structures misplaced in a way that would render the structure non-compliant with code, I can only think of three times in particular over the last 11 years.

We can hold applicants to a higher standard for submittal using the code now in effect. Perhaps we might find out more about the accuracy of construction with the requirement of an after build as-built survey. I remain concerned about creating unavoidable delays for those that may not be able to jump to the front of a surveyors work list when someone is ready for construction, creating a requirement that is not particularly practical, and the additional staff workload.

Staff Recommendation

Discuss and provide further direction.

Att. Working code 2.0

1 **21.70.010 Zoning permit required.**

2 a. Except as provided in subsection (c) of this section, a zoning permit shall be obtained from the City
3 Planner for the following:

4 1. Erection, construction or moving of any building or structure.

5 2. Site development activities that trigger other review or approval requirements under the
6 Homer Zoning Code, such as, but not limited to, the requirement of a site plan, development
7 activity plan or stormwater protection plan.

8 3. An increase in the height, or an exterior dimension of any floor, of an existing building, or an
9 increase in the height, or the footprint area, of an existing structure.

10 4. A change or expansion of the use of a lot.

11 b. The zoning permit required by this section shall be obtained prior to the commencement of any
12 activity for which the permit is required. Failure to do so is a violation.

13 c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance
14 with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development
15 activity plan or stormwater protection plan:

16 1. Any change to an existing building that does not increase the height, or exterior dimension of
17 any floor, of the building, and any change to an existing structure that does not increase the
18 height, or footprint area, of the structure.

19 2. Erection or construction of a one-story detached accessory building used as a tool and storage
20 shed, playhouse, or other accessory use, provided the building area does not exceed 200 square
21 feet; and further provided, that there is already a main building on the same lot.

22 3. Erection or construction of a communications tower with a height not exceeding 35 feet, or
23 an amateur radio tower.

24 4. Fences or walls used as fences, unless otherwise regulated by the Homer City Code.

25 5. Removal of any building or structure.

26 6. Termination of any type of use. [Ord. 14-18(A)(S-2) § 6, 2016; Ord. 14-56(A) § 1, 2015; Ord.
27 08-29, 2008].

28 **21.70.020 Application.**

29

30 a. Only the owner or lessee of the lot or a person authorized in writing by the owner or lessee may apply
31 for a zoning permit. The City Planner may require the applicant to submit proof of authority to apply for
32 a zoning permit.

33 b. All applications for zoning permits shall be on forms furnished by the City. The application shall
34 require the following information:

- 35 1. The name, residence address, and mailing address of the applicant, the owner of the lot, and
36 any lessee of the lot.
- 37 2. The legal description and street address of the lot.
- 38 3. A narrative description of the intended use of the lot, building, or structure.
- 39 4. The zoning code use classification under which the permit is sought.
- 40 **5. If construction or a new or changed use under a zoning permit will change the quantity or**
41 **location of required off-street parking, a survey, plat, or plan, drawn to a scale of not less than**
42 **one inch equals 20 feet showing the actual dimensions of the lot, the exact location of the**
43 **buildings and structures erected or to be erected thereon, adjacent street rights-of-way, utility**
44 **easements and facilities, building setbacks, drainage, parking lot ingress and egress points,**
45 **driveways, parking lot aisles, and the number and location of off-street parking spaces and**
46 **loading spaces. Where off-site parking will be provided to meet a requirement for off-street**
47 **parking, a similar survey, plat or plan also shall be provided for the off-site parking,**
48 **accompanied by the document required by HCC 21.55.060(d). A site plan prepared according**
49 **to Chapter 21.73 HCC may be substituted for the survey, plat, or plan required by this**
50 **subsection.**
- 51 **6. For new buildings or structures, or for changes to the exterior dimensions of existing**
52 **buildings or structures, the survey, plat, or plan required by subsection (b)(5) of this section**
53 **also plan and elevation drawings of the buildings and structures erected or to be erected**
54 **thereon. A site plan prepared according to Chapter 21.73 HCC may be substituted for the**
55 **survey, plat, or plan required by this subsection.**
- 56 7. Copies of any building permits or other permits required by applicable Federal, State or local
57 law or regulations.
- 58 8. Copies of approved plans or other submittals that may be required by code, such as, but not
59 limited to, traffic impact analysis, development activity plan, and stormwater plan.
- 60 9. Such additional information as the City Planner shall require to enable the City Planner to
61 determine whether the application satisfies the requirements for issuance of a permit.
- 62 10. The applicant's signed certification that all the information contained in the application is
63 true and correct. [Ord. 09-12(A) § 4, 2009; Ord. 08-29, 2008].

64 **21.70.030 Permit issuance and denial.**

- 65 a. The City Planner will review the application to determine whether the proposed building or structure,
66 and intended use, comply with the zoning code and other applicable provisions of the City Code, and to
67 determine whether all permits and approvals required by applicable Federal, State, or local law or
68 regulation have been obtained. The City Planner may also refer the application to other City officials for
69 review, comment or approval for compliance with applicable City Code. If the application meets all of
70 the requirements, the City Planner will issue a written zoning permit.

71

72 b. The City Planner will deny a zoning permit if the application is incomplete or the City Planner
73 determines that the application does not meet all the requirements for issuance of a zoning permit. A
74 denial must be in writing and state the reasons for denial. It shall be promptly given to the applicant. If
75 an application is denied because of incompleteness, the applicant may resubmit the application at any
76 time, supplying the missing information.

77 c. In granting a zoning permit, no City official or employee has authority to grant a waiver, variance, or
78 deviation from the requirements of the zoning code and other applicable laws and regulations, unless
79 such authority is expressly contained therein. Any zoning permit that attempts to do so may be revoked
80 by the City Manager as void. The applicant, owner, lessee, and occupant of the lot bear continuing
81 responsibility for compliance with the zoning code and all other applicable laws and regulations.

82 d. If the City grants a zoning permit when the applicant has not obtained all necessary permits or
83 approvals from the Federal, State, or other local governments or agencies, or has otherwise failed to
84 satisfy all the requirements for a permit, neither the City, the City Planner, or any other City officer or
85 employee shall be liable to any person for any consequences thereof. The applicant, owner, lessee, and
86 occupant of the lot are solely responsible to ensure that all required permits and approvals have been
87 obtained, and the issuance of a zoning permit by the City does not excuse any such
88 requirement nor does it constitute a warranty or representation that all required permits and approvals
89 have been obtained from the Federal, State, or other local governments or agencies. [Ord. 08-29, 2008].

90 **21.70.040 Permit terms.**

91 a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in
92 which to complete the work authorized by the permit. If the work is not completed within the time
93 allowed, the City Planner may grant one reasonable extension for good cause shown. No additional
94 extension will be granted, except upon the approval of the Commission for good cause shown.

95 **b. Any zoning permit for a building or structure shall require the applicant to submit to the City**
96 **Planner item 1 below.** A zoning permit for a multiple-family dwelling or for a building or structure for
97 commercial or industrial use shall require the applicant to submit to the City Planner **items 1-3 below.**
98 **All items shall be submitted** promptly after completion of the work:

99 **1. An as-built survey, completed by a licensed surveyor, of the location, foundation,**
100 **dimensions, and proximity to all lot lines of all buildings and structures covered by the permit;**

101

102 **2. An as-built schematic of the completed building(s) and structure(s) showing at least the**
103 **perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and**

104 **3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such**
105 **codes adopted by the State of Alaska. [Ord. 08-29, 2008].**

106 **21.70.050 Permit – Public display.**

107 a. All permits issued under this chapter, including amendments and extensions, shall be displayed for
108 public inspection in a prominent place, readily viewable from the nearest street, at the site for which the

109 permit was obtained. The permit shall be on display prior to commencement of any work at the site and
110 remain on display until all work is completed.

111 b. The display of the permit constitutes the property owner's implied consent to the public to enter
112 upon the property as reasonably necessary to inspect the permit at the point of display, and no person
113 shall impede the access of the public to that point for the purpose of inspecting the permit. [Ord. 08-29,
114 2008].

115 **21.70.060 Permit – Fee.**

116 The applicant for a zoning permit shall pay a fee according to the fee schedule established by resolution
117 of the City Council. No application shall be processed until the fee is paid. [Ord. 08-29, 2008].

118 21.70.070 Other permits under zoning code.

119 Nothing in this chapter shall relieve the applicant of the obligation to obtain a conditional use permit,
120 sign permit, variance, or other permit or approval required by other provisions of the zoning code. The
121 zoning permit required by this chapter shall be in addition to any other applicable permit or approval
122 requirements. If any such additional permits or approvals are required, they must be obtained prior to
123 the issuance of the zoning permit under this chapter. [Ord. 08-29, 2008].

124 21.70.080 Revocation of permit.

125 a. The City Planner may revoke a permit for cause, including but not limited to any of the following:

126 1. The application for the permit contained any error, misstatement or misrepresentation of
127 material fact, either with or without intention on the part of the applicant, such as might or
128 would have caused a denial of the permit or the inclusion of additional conditions or
129 requirements.

130 2. Any material change in the location, size, or shape of the building or structure made
131 subsequent to the issuance of a permit, except pursuant to written amendment of the zoning
132 permit approved by the City Planner.

133 3. Any material change in the use or intended use of the building, structure, or land made
134 subsequent to the issuance of a permit, except pursuant to written amendment of the zoning
135 permit approved by the City Planner.

136 4. The failure to comply with the terms of the zoning permit or the failure to complete the work
137 authorized by the zoning permit within the time allowed in the permit, including any extensions
138 that may be granted.

139

140 b. Prior to revoking a permit, the City Planner shall give the applicant, property owner, or lessee affected
141 by the revocation notice of the grounds for revocation and a meaningful opportunity to be heard
142 concerning those grounds. If after such hearing the City Planner determines the permit shall be revoked,
143 the City Planner shall prepare and promptly deliver to the interested parties a written decision stating
144 the grounds for revocation and citing the evidence in support thereof. The City Planner's written
145 decision may be appealed. [Ord. 08-29, 2008].

146 21.70.090 Occupancy without a permit prohibited.

147 No person shall use or occupy a building or structure that has been erected, constructed, enlarged,
148 altered, repaired, moved, improved, or converted after January 1, 2000, without a properly issued and
149 unrevoked zoning permit required by this chapter. [Ord. 08-29, 2008].

150 **21.73.010 Site plan – General.**

151 a. When a site plan is required by other provisions of the zoning code, the applicant shall submit to the
152 City Planner for approval a site plan prepared in conformance with this chapter.

153 b. The level of site plan required is specified in the applicable zoning district regulations. If the level is
154 not specified, a level one plan is required. [Ord. 08-29, 2008].

155 21.73.020 Site plan – Level one.

156 A level one site plan shall show on a **survey, map or plan** of the subject property, drawn to a scale of not
157 less than one inch equals 20 feet, all of the following:

158 a. The precise location of the lot boundaries and all setbacks and easements.

159 b. The precise location and dimensions of all existing and proposed structures, including any proposed
160 changes to the exterior dimensions of existing structures.

161 c. Elevation drawings and dimensions of all existing and proposed structures, including any proposed
162 changes to exterior dimensions of existing structures.

163 d. Existing site features and conditions, including topography, drainage, streams, water bodies,
164 wetlands, lines of mean high tide, storm berms, areas prone to erosion, and the general location of
165 vegetation.

166 e. The precise location of all existing and proposed structures in relation to existing and proposed
167 streets and other rights-of-way.

168 f. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns
169 into and out of the site and to and from all parking areas.

170 g. On-site traffic and pedestrian circulation systems, and a detailed parking plan.

171 h. Pedestrian access to adjacent public lands, waters, walkways and trails. Where practical, safe, and
172 where other means of access have not been provided, access easements may be required.

173 i. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display
174 elevation changes and cut and fill quantities.

175 j. The location of the site in relation to other existing uses on neighboring properties. [Ord. 08-29, 2008].

176 **21.73.030 Site plan – Level two.**

177 A level two site plan shall show on a **survey, map or plan** of the subject property, drawn to a scale of not
178 less than one inch equals 20 feet, all of the following:

179 a. All information required by HCC 21.73.020(a) through (e);

- 180 b. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns
- 181 into and out of all loading berths or areas;
- 182 c. Turning radius for vehicles;
- 183 d. The location and proposed screening of open storage areas;
- 184 e. Basic floor plans and location of all existing and proposed structures;
- 185 f. Location of utilities;
- 186 g. Proposed signs and lighting;
- 187 h. The location of the site in relation to residential uses and other existing industrial uses on adjacent
- 188 properties;
- 189 i. Location of snow storage. [Ord. 08-29, 2008].

190 **21.50.020 Site development standards – Level one.**

191 **e. prior to any on-site construction of a building or structure requiring a zoning permit the subject lot**

192 **shall have the corners staked. A stamped communication of a licensed surveyor certifying that the**

193 **property has been staked shall be provided to the Planning Office.**

194 **21.50.030 Site Development Standards – Level 2**

195 **g. prior to any on-site construction of a building or structure requiring a zoning permit the subject lot**

196 **shall have the corners staked. A stamped communication of a licensed surveyor certifying that the**

197 **property has been staked shall be provided to the Planning Office.**

198 **21.50.040 Site development standards – Level 3**

199 **c. prior to any on-site construction of a building or structure requiring a zoning permit the subject lot**

200 **shall have the corners staked. A stamped communication of a licensed surveyor certifying that the**

201 **property has been staked shall be provided to the Planning Office.**

202

203



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
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City of Homer Agenda

Advisory Planning Commission Work Session
Wednesday, August 21, 2019 at 5:30 PM
City Hall Cowles Council Chambers

CALL TO ORDER, 5:30

P.M. AGENDA APPROVAL

DISCUSSION TOPIC(S)

- a. Staff Report 19-75, Permitting **page 33 of the regular meeting packet**

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT

Next Regular Meeting is WEDNESDAY, SEPTEMBER 4, 2019 at 6:30 P.M. in the Cowles Council Chambers located at City Hall, 491 E. Pioneer Avenue, Homer, Alaska.

Session 19-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:31 p.m. on August 21, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BOS, BENTZ, SMITH AND VENUTI

ABSENT: COMMISSIONER PETSKA-RUBALCAVA (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE



The Commission met at 5:30 for a worksession on Staff Report 19-75, Permitting

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

a. Approval of minutes of July 17, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/SMITH – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

Chair Venuti closed the Public Hearing upon seeing no one from the public coming forward to provide further public testimony on the issue.

Chair Venuti opened the floor to questions from the Commission.

BOS/BENTZ MOVE TO ADOPT STAFF REPORT 19-74 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HCC 21.14.020 AND HCC 21.26.020 PERMITTED USES AND STRUCTURES TO ALLOW MANUFACTURING, FABRICATION AND ASSEMBLY AS A PERMITTED USE.

A brief discussion by the Commission on this action cleaning up the city code, the possible nuisances, this was not the place to address that in the code; and the City seeing an increase in businesses.

VOTE. NON-OBJECTON. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-75, Permitting

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

City Planner Abboud noted that the Commission discussed this at the worksession and requested a summary from of the discussion from a Commissioner as he was unsure that he could do justice to classify that discussion since they covered all three topics.

Commissioner Bentz reported that the Commission discussed the following for the record:

- Several options to improve applicants site plans including preconstruction surveys, supplying preconstruction asbuilts of existing structures, staking of property lines
- Recommend changing the code to contain the after construction asbuilt survey and to change the application procedure to have some recommendation or best practices for the preconstruction items.

Chair Venuti inquired if Commissioner Bentz wanted to make that a motion.

BENTZ/SMITH - MOVED TO ADOPT CHANGES TO 21.70.040 PERMIT TERMS, LINES 90-105, PAGE THREE OF THE ATTACHMENT WORKING CODE 2.0., PAGE 37 IN THE PACKET.

Discussion ensued on the proposed changes believed to be the most logical change to the city code and regulations going forward; there have been many discussions on the topic by the

commission and that the professional community recommended this option and would not be overburdened by this on new projects going forward as well; and be efficient for the planning staff to perform follow-up when completed.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Bentz requested to see the checklist for the permits when they come in so the Planning Commission can see where they can make some additions such as when the application is within 10 feet of the setback or easement the Planning Commission can recommend or highlight different tools available to the applicant to ensure that the code is followed.

City Planner Abboud requested clarification on what Commissioner Bentz was requesting and that it was an administrative duty and was not necessarily something the Commission needed to review.

There was a brief discussion on the checklist and getting Planning Technician Brown involved and receiving legal input, this was an administrative function and did not want a two page or longer document that may be burdensome to the builder. He additionally commented on time limits.

Commissioner Bentz explained that the desire to provide education to the applicants and highlight the possible reparations if the applicants did not comply with the requirements.

Commissioner Bentz reiterated the application coming back before the commission if the applicant is non-compliant.

Commissioner Smith recalled a CUP coming before the Commission and the color scheme is on the polar opposite of what was reported on the application and how would they address an issue like that.

Commissioner Bentz stated that there was no motion it was just a request to the Planning staff.

NEW BUSINESS

INFORMATIONAL MATERIALS

- a. Memo from the Homer Planning Commission to Mayor Castner and the Homer City Council RE: Ordinance 19-19(s) providing water outside of City Limits p. 41
- b. City Manager's Report to Homer City Council August 12, 2019 p. 51



City of Homer

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Staff Report PL 19-88

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: October 16, 2019
SUBJECT: Permitting

Introduction

I have created a draft ordinance for the Commission review prior to holding a public hearing.

Analysis

After incorporating the recommendation of the Commission, we have a draft ordinance to review prior to holding a public hearing. I plan to have an attorney review the proposal prior to public hearing. I added that all zoning permits for all buildings and structures be subject to item 1 on lines 42 and 43, submission of an as-built survey after completion.

Currently, the code requires multifamily, commercial, and industrial projects to submit items 1 through 3 as described on lines 42-47. I would like the Commission to give consideration to amending the code regarding items 2 and 3.

Item 2, lines 44-45

This item overlaps with item 1 and requires additional information regarding entrances, driveways, parking and loading areas. Entrances are readily apparent and it is just not necessary to verify with an as-built schematic. Driveways are permitted and inspected by public works. This leaves parking and loading areas. Once an as-built is submitted, parking and loading areas are easily determined as defined by the approved site plan.

Item 3, lines 46-47

This item is a bit confounding to me. It asks for proof of compliance with codes adopted by the State of Alaska. This is Fire Marshall territory. I'm not sure why we would want to spend time doubling up on code that is already enforced by another agency. We are in contact with the Fire Marshal's office at least annually and provide them with all permitting information and any other concerns we see with compliance.

I feel uneasy relying upon 'self-reported' information. We do not have anyone with the city that is qualified to verify any of the information. Building codes are somewhat of a moving target and it can become complicated documenting additions. If we feel that compliance with

buildings codes is a priority, then we should adopt code and hire someone qualified to inspect and enforce. If somehow it was reported that something was not built to code, I would have to rely upon the efforts of some third party, but I would likely just report it to the Fire Marshal.

Checklist

We are drafting an updated zoning application form and intend to create a type of best practices document that will provide information about siting improvements. If this is not completed prior to the meeting, we will follow up and provide the Commission a chance for input.

Staff Recommendation

Please consider amending items 2 and 3 and make a recommendation for a public hearing.

Att.

Draft Ordinance

Draft zoning application

- 42 1. An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions,
43 and proximity to all lot lines of all buildings and structures covered by the permit;
- 44 2. An as-built schematic of the completed building(s) and structure(s) showing at least the
45 perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and
- 46 3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such
47 codes adopted by the State of Alaska.

48

49 Section 2: This ordinance is of a permanent and general character and shall be included in
50 the City Code.

51

52 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
53 2019.

54

55

CITY OF HOMER

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57

58

KEN CASTNER, MAYOR

59

60

61 ATTEST:

62

63

64 _____
MELISSA JACOBSEN, MMC, CITY CLERK

65

66

67 YES:

68 NO:

69 ABSTAIN:

70 ABSENT:

71 First Reading:

72 Public Hearing:

73 Second Reading:

74 Effective Date:

75

76 Reviewed and approved as to form:

77

78

79

80 _____
Katie Koester, City Manager

81

82 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Zoning Permit Application

Applicant's name: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Owner (if different than the applicant):

Name: _____

Physical Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Identification:

Address: _____

Legal Description: _____

KPB Tax ID #: _____ Lot Size: _____ acres Zoning District: _____

Project Information:

Describe the project _____

Describe the use of the property _____

Circle the type of proposed use: Single Family Home Duplex/Triplex Multi-family Commercial Other

New Structure(s) total gross floor area (sq. ft.) _____ # of dwellings _____ # of bedrooms _____

Existing Structures total gross floor area _____ # of dwellings _____ # of bedrooms _____

Estimated Value of Improvements (materials and labor) \$ _____

For staff use:

Date Received: _____ Fee Received: \$ _____ Received by: _____

Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.

Finance Code 21-2106.

Completed site plan date: _____ completed application date: _____

Development Standards for All Projects

Dirt Work and Drainage (HCC 21.50)

- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31st.
- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building must be setback 15 feet from open ditches and 10 feet from closed drainage systems.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

Steep Slopes (HCC 21.44)

Additional standards apply if one of the following site conditions exist (check any that apply)

- The average slope of the lot is greater than 15% (A rise of 15 feet to 100 feet run)
- Disturbance will take place within 40 feet of the top, or 15 feet of the toe of a steep slope (45%), bluff, coastal bluff or ravine

Exterior Lighting (HCC 21.59.030)

- Outdoor lighting must not shine beyond property boundaries or cast bright glare affecting the street or neighboring properties. The maximum height for building-mounted lights is 15 feet and for pole lights, it is 28 feet. Lights installed 15 feet or higher must be cut-off luminaires.

Landscaping standards apply to all projects in a commercial district and any commercial project (HCC 21.50.030(f))

- Landscaping shall include the retention of native vegetation to the maximum extent possible
- A minimum buffer of 3 feet along lot lines and 15 feet along the top bank of a defined drainage
- Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
- Parking lots with 24 spaces or more have additional standards (HCC 21.50.030(f)(1)(b))

Required Submittal Items for All Building Projects

- ☑ This **Zoning Permit Application** form must be signed and submitted, along with the application fee.
- ☑ A **Site Plan** is required for all projects. This “bird’s eye view” must show the entire lot and include all of the details found on the site plan checklist. *See the attached example site plan and checklist.*
- ☑ A **Building Elevation** drawing is required for all proposed and existing buildings. Building height from grade to the peak of the roof must be included. *See the attached example building elevation drawing.*

New Requirement

- ☑ An **As-built Survey**, completed by a licensed surveyor is required upon completion of work for all **new buildings and building additions**. The survey must show the location and dimensions of permitted structures (HCC 21.70.040)

Additional Approvals for All Projects

AS APPLICABLE, THESE MUST BE OBTAINED PRIOR TO ISSUANCE OF A ZONING PERMIT

- A **Driveway Permit** is required for any new driveway approach or alteration to an existing approach. For permitting on city roads, contact the Public Works Department at (907) 235-3170. For State roads, contact the local DOT office at (907)235-5218.

Will the driveway approach be constructed or altered? _____ IF yes, then Driveway Permit #: _____

- A **Water & Sewer Connection Permit** is required when City utilities are available to the property. For this permit, contact the Public Works Department at (907) 235-3170.

Is city water available? _____ Is city sewer available? _____ If yes, then permit # _____

- A **Wetlands Permit** is required when your project impacts a wetland. For permitting questions, contact the Army Corps of Engineers (ACOE) Kenai Field Office at . The following online map can be used to identify possible wetland areas: <https://www.kpb.us/gis-dept/online-mobile-viewers>

ACOE submission status: _____ ACOE Permit #: _____

- State Fire Marshal** approval is required for all commercial buildings or apartment projects of 4-units or more

Application status: _____ Permit # _____

- A **Fill & Grading Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- The **Bridge Creek Watershed Protection District** has additional restrictions for property development (HCC21.40)
- A **Conditional Use Permit (CUP)** is required under certain circumstances, including but not limited to the following:
 - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
 - Building area exceeds 8,000 square feet (all buildings combined) or 30% of the lot area
 - The project includes more than one building with a primary use

- A **Storm Water Plan (SWP)**, produced by a licensed engineer, is required when the project:

Residential Zoning Districts (HCC 21.50.020)

- Creates 25,000 square feet of new impervious surface
- Increases the total impervious surface coverage to one acre or greater
- Grading that moves 1,000 cubic yards of material
- Creates a permanent slope of 3:1 or more that exceeds 10 feet from toe of slope to top of slope

Commercial Zoning Districts (HCC 21.50.030)

- Creates 25,000 square feet of new impervious surface
- Increases the impervious surface coverage to greater than 60% of the lot area
- Grading of 1 acre or more
- Grading that moves 10,000 cubic yards of material
- A temporary or permanent slope of 3:1 or more that exceeds 10 feet from toe of slope to top of slope
- Land clearing or grading on slopes steeper than _____, or within 10 feet of wetlands, streams, or ponds

- A **Development Activity Plan (DAP)** is required when your project is located within a commercial zoning district (including the Residential Office District) and includes any of the following (HCC 21.74)
 - Clearing or grading of 10,000 square feet or more
 - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
 - Grading that moves 1,000 cubic yards of material
 - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
 - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
 - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.

I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.

Any approvals required from the Homer Advisory Planning Commission, such as a Conditional Use Permit, must be approved PRIOR to issuance of the Zoning Permit. It is the permittee's responsibility to comply with all other permit terms at his/her expense.

The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.

I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.

I/we understand that an as-built survey, completed by a licensed surveyor, is required upon completion of the project structure(s), according to Homer City Code 21.70.040

Owner Signature (required): _____ Date: _____

Applicant Signature: _____ Date: _____



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us

DRAWING A SITE PLAN AND BUILDING ELEVATIONS

Address: _____

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

Drawing your own site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise for drainage, lighting and landscaping plans.

Below is a checklist of items that should be on your site plan. For items that do not apply to your project simply indicate: Not Applicable (NA).

- Scale factor. For example 1" = 20 ft.
- North arrow
- All property lines and their dimensions
- Proposed and existing structures, additions and their distances from the property lines.
- Setbacks: All property lines which abut a road require a 20 ft building setback.
Care should be taken to measure from the property lines, NOT the road. Side and rear setback range from 5 ft – 8 ft depending on the number of stories.
- Fill area from the toe of the slope. Fill must be setback 5' from side and rear property lines.
- Building dimensions
- Adjacent roads
- Driveway
- Parking, 9' x 19' per space
- Decks, bay windows, cantilevers, exterior stairways
- Drainage flow arrows
- Wetland boundary

Below is a checklist for your building elevation cross section. Your drawing needs to show the exterior view of the building.

- Scale of drawing
- Building height (maximum is 35 ft)
- Slope or grade

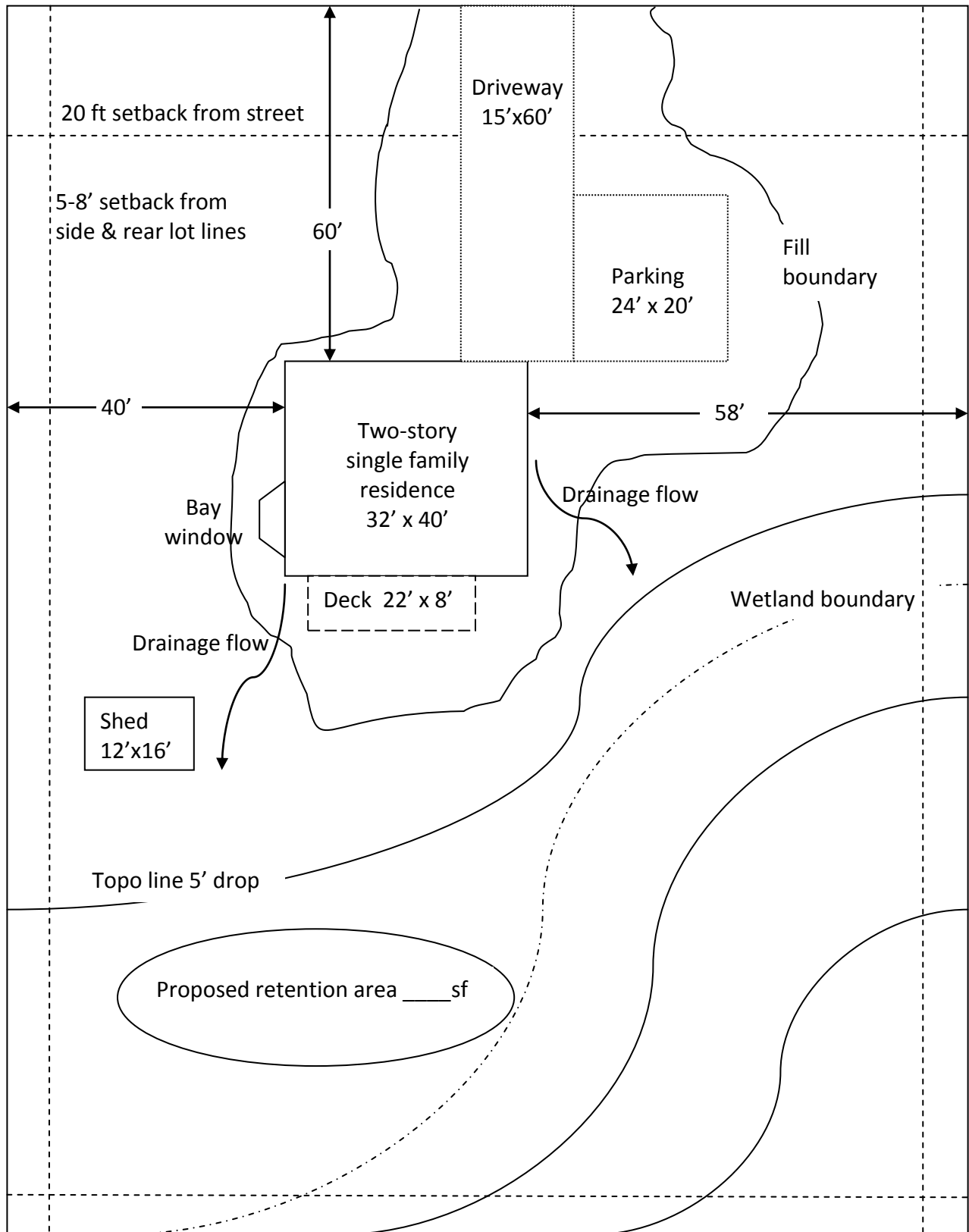
1" = ___ ft

Sample Site Plan



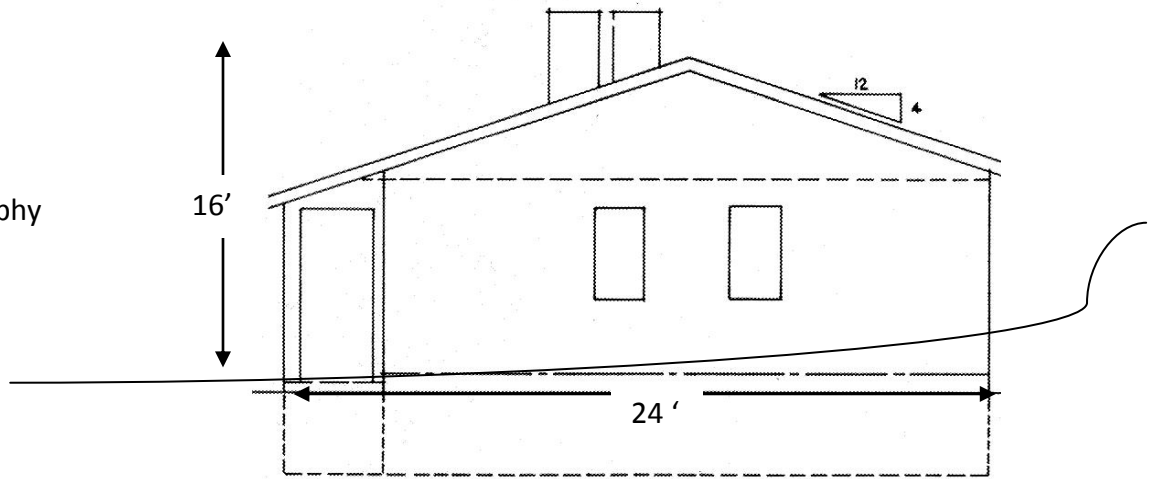
Anywhere Road

Lot Width = __ ft

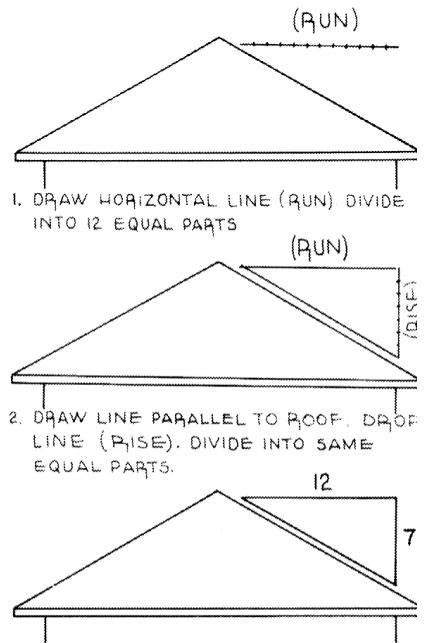


Sample building elevation drawing

- Building height
- Wall dimensions
- Grade / topography

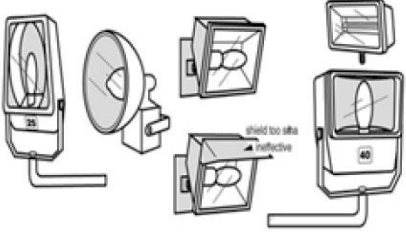
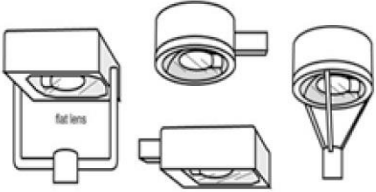
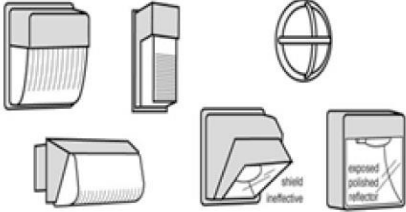
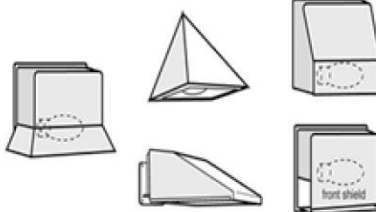
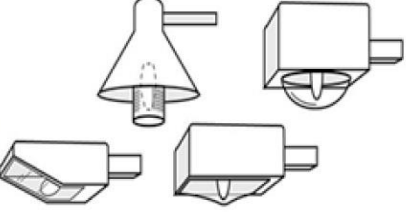
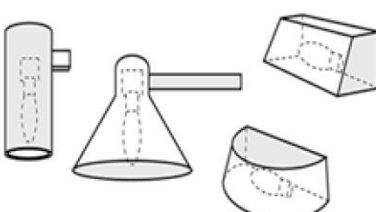
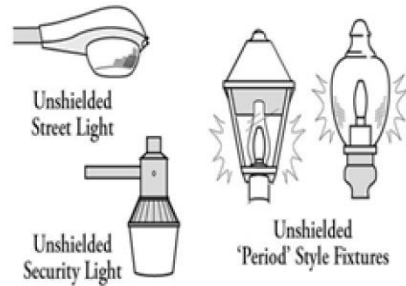
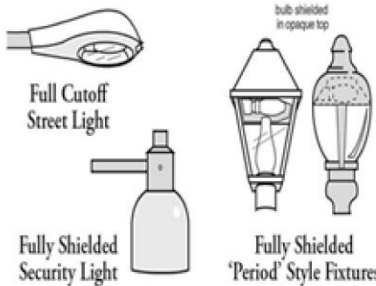
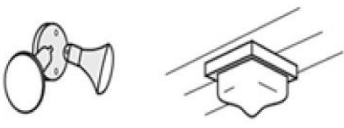
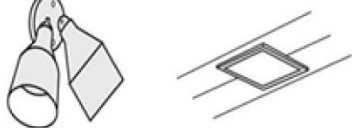


Your drawing here:



Lighting Standards

The **Lighting standards** aim to reduce glare and light trespass and apply to the business and commercial projects. Depending on the scope of the project a Lighting Plan maybe required per HCC 21.59.030. For simple projects simply circle the type of cut-off light fixture you are using or provide your own.

UNACCEPTABLE Fixtures that Produce Glare and Light Trespass	ACCEPTABLE Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision
 <p data-bbox="386 747 683 779">Unshielded or Poorly-shielded Floodlights</p>	 <p data-bbox="894 747 1040 779">Full Cutoff Fixtures</p>
 <p data-bbox="418 1062 646 1115">Unshielded Wallpacks & Poorly-shielded Wall Mount Fixtures</p>	 <p data-bbox="797 1073 1133 1104">Fully-shielded Wallpack & Wall Mount Fixtures</p>
 <p data-bbox="410 1388 654 1440">Drop-lens & Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p data-bbox="881 1409 1044 1440">Fully-shielded Fixtures</p>
 <p data-bbox="354 1560 443 1612">Unshielded Street Light</p> <p data-bbox="354 1707 443 1759">Unshielded Security Light</p> <p data-bbox="565 1686 719 1738">Unshielded 'Period' Style Fixtures</p>	 <p data-bbox="805 1560 894 1612">Full Cutoff Street Light</p> <p data-bbox="805 1707 894 1759">Fully Shielded Security Light</p> <p data-bbox="1008 1707 1162 1759">Fully Shielded 'Period' Style Fixtures</p> <p data-bbox="1049 1476 1105 1507">bulb shielded in opaque top</p>
 <p data-bbox="378 1934 492 1986">Unshielded PAR Floodlights</p> <p data-bbox="565 1934 686 1986">Drop-lens Canopy Fixtures</p>	 <p data-bbox="846 1934 959 1986">Properly Aimed Floodlights</p> <p data-bbox="1008 1934 1130 1986">Flush Mounted Canopy Fixtures</p>

work done on the sign code in 2012 that applied to businesses on the Spit. She reviewed the three recommendations from staff and requested input from the Commission.

Large Businesses (buildings) on Corner Lots with multiple entrances – Example used was Kachemak Center

The Commission recommended that if additional free standing signage is permitted that there should be a specific distance between the signs.

Adding the staff recommendation of 75 sf was acceptable to the Commission

Corner Lots, Smaller Buildings, two stories

Staff recommended allowing 50% of existing to a maximum of 225sf that a building owner would be responsible for dividing among tenants.

Parking lot Entrance or exit signage with logo or colors

The Commission agreed that they would like further information on this concept. It was agreed that it would not be a widely used signage but could be implemented for businesses that may have multiple accesses referring to the Kachemak Center as an example.

Commissioner Highland offered comments on the controversy experienced during the previous sign code amendments and that every business owner wanted the biggest sign possible.

City Planner Abboud responded to Commissioner Davis' inquiry about Sign Design review and the recommendations make to applicants regarding signage design.

Staff will provide specifics for the commission to review at the next meeting.

B. Staff Report 19-88, Permitting

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

City Planner Abboud reviewed Staff Report 19-88 for the Commission. He requested the Commission to amend the draft ordinance to remove Lines 44-47 for the following reasons:

- Driveways are permitted by Public Works Department
- Entrances are self-explanatory
- Asbuilt survey shows the site plan and parking areas are quite easily figured
- Proof of compliance with applicable building, plumbing, electrical, mechanical, and other such codes are governed by the State and the planning staff is not trained to enforce this. A building inspector would be required as well as developing building codes. He is not sure who the legitimate authority is to provide this information.
- Additionally the State Fire Marshal would sign off on commercial projects and that information would be required to be submitted with the application.
- It would be another sheet a paper that is retained by the Planning Department but have no use to the department

- This ordinance has not been reviewed at this time.
- The Permit Application is not finalized

Chair Venuti recommended that lines 44-45 should be amended to add the word "commercial" to reflect the wording in lines 39-30 to make sense.

City Planner Abboud stated that the request to remove those requirements would still apply. He further advocated for their removal since their office cannot verify anything, they do not know the regulations, and he does not have the knowledge that commercial buildings are inspected. The applicant does not get a permit until they have a Fire Marshal approval.

Discussion ensued on asbuilt showing placement with a five foot discrepancy, enforcement steps and current policy, existing closeout process for current permits.

Commissioner Bentz commented that it appeared the language in lines 44-47 would not be beneficial for the planning department's use and should amend the ordinance to reflect that change.

BENTZ/HIGHLAND MOVED TO AMEND ORDINANCE 19-XX TO REMOVE LINE 44-47 AND ALTER LINE 38, ANY ZONING PERMIT FOR A BUILDING OR STRUCTURE SHALL REQUIRE THE APPLICANT TO SUBMIT TO THE CITY PLANNER AN ASBUILT SURVEY COMPLETED BY A LICENSED SURVEYOR, OF THE LOCATION, FOUNDATION, DIMENSIONS, AND PROXIMITY TO ALL LOT LINES OF ALL BUILDINGS AND STRUCTURES COVERED BY THE PERMIT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland noted that on the Zoning Permit Application, the page for the "Additional Approvals for All Projects" under Wetlands Permit second sentence, the contact phone number is missing.

Commissioner Bentz recommended checking the web address for the same since she believed it has changed.

Commissioner Bentz recommended inserting a statement something to the effect that a good site plan will assure that you are in compliance with the new asbuilt requirement.

Further discussion on developing a form to be submitted during Close out procedures, that the asbuilt will have all the information required, requesting the asbuilt come directly from the Surveyor and the authorized copies should come from the Surveyor.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 19-99

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: December 4, 2019
SUBJECT: Permitting public hearing

Introduction

After incorporating the Planning Commissions recommendations, the ordinance has been reviewed by the Attorney and is ready for a public hearing.

Analysis

The Planning Commission has reviewed the permitting process and is recommending a draft ordinance that encourages developers to accurately site improvements by requiring all projects submit an as-built survey at completion. The as-built will confirm if the site plan was followed.

Additional requirements have been found to be redundant or unnecessary. An as-built survey of the improvements found on the lot is adequate for the purposes of confirming that the site plan is a true representation of the proposal. The Commission also recognized that reporting of compliance with the codes of the State of Alaska is outside of ability of the City of Homer to enforce without a building department and is redundant to the duties of the State Fire Marshal.

Staff Recommendation

Hold a public hearing and consider a recommendation for adoption to the City Council.

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.

The draft ordinance furthers Goal 3 of the Land Use Chapter that encourages high-quality buildings and site development.

b. Will be reasonable to implement and enforce.

The proposal is written concisely and is clear as to expectations of requirements for zoning permits.

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

The proposal furthers the health, safety, and welfare of the community by helping to hold applicants accountable to develop according to their approved site plan.

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

The proposal has been reviewed by the City Attorney.

Att.

Draft Ordinance

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 AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO
8 REQUIRE AN AS-BUILT SURVEY BE SUBMITTED TO THE CITY
9 PLANNER AFTER COMPLETION OF ANY BUILDING OR
10 STRUCTURE.

11
12 WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective A,
13 Encourages establishment of a clear, coordinated regulatory framework that guides
14 development, includes implementation strategies to review rules and regulation options with
15 consideration of operational constraints and community acceptance; and

16
17 WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective B includes
18 encouraging high quality buildings and site design; and

19
20 WHEREAS, Creating a requirement for the submission of an as-built survey encourages
21 diligence and adherence to site plans; and

22
23 WHEREAS, It is in the interests of the Planning Commission and Homer citizens to
24 ensure that improvements are built as approved by the Planning Department; and

25
26 WHEREAS, An as-built survey provides a useful documentation of improvements and
27 compliance with city code.

28
29 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

30
31 Section 1. Homer City Code 21.70.040 is hereby adopted to read as follows:

32
33 **21.70.040 Permit terms.**

34 a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in
35 which to complete the work authorized by the permit. If the work is not completed within the time
36 allowed, the City Planner may grant one reasonable extension for good cause shown. No additional
37 extension will be granted, except upon the approval of the Commission for good cause shown.

38
39 b. A zoning permit for a multiple-family dwelling or for a building or structure for commercial or
40 industrial use shall require the applicant to submit to the City Planner **an as-built survey, completed by**

41 a licensed surveyor, of the location, foundation, dimensions, and proximity to all lot lines of all
42 buildings and structures covered by the permit, promptly after completion of the work.

43
44 1. ~~An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions,~~
45 ~~and proximity to all lot lines of all buildings and structures covered by the permit;~~

46
47 2. ~~An as-built schematic of the completed building(s) and structure(s) showing at least the~~
48 ~~perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and~~

49
50 3. ~~Proof of compliance with applicable building, plumbing, electrical, mechanical and other such~~
51 ~~codes adopted by the State of Alaska.~~

52 Section 2: This ordinance is of a permanent and general character and shall be included in
53 the City Code.

54
55 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
56 2019.

57
58 CITY OF HOMER

59
60
61 _____
62 KEN CASTNER, MAYOR

63
64 ATTEST:

65
66 _____
67 MELISSA JACOBSEN, MMC, CITY CLERK

- 68
69
70 YES:
71 NO:
72 ABSTAIN:
73 ABSENT:
74 First Reading:
75 Public Hearing:
76 Second Reading:
77 Effective Date:

78
79 Reviewed and approved as to form:

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85
86

Katie Koester, City Manager

Date:_____

Michael Gatti, City Attorney

Date:_____

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

City Planner Abboud provided a summary of Staff Report 19-98 for the Commission.

- C. Staff Report 19-99, An Ordinance amending Homer City Code 21.70.040, Permit Terms; to require an as-built survey be submitted to the City Planner after completion of any building or structure.

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

City Planner Abboud provided a summary of Staff Report 19-99 for the Commission.

Chair Venuti opened the Public Hearing seeing no one in the audience coming forward to provide testimony he closed the hearing.

The Commission discussed the following points with input from the City Planner:

- Requiring As-builts after construction will not prevent encroachments
- Providing assistance to the public to assure that it constructs a proposed structure within the property lines
- General points during previous meetings on when to require as-builts

Chair Venuti requested a motion.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-99 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO REQUIRE AN ASBUILT SURVEY BE SUBMITTED TO THE CITY PLANNER AFTER COMPLETION OF ANY BUILDING OR STRUCTURE TO COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

- A. Staff Report 19-97, Fairview Subdivision 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-97 for the Commission.