



MEMORANDUM

Ordinance 24-51, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to Medical (M) Zoning District. Planning Commission.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: October 14, 2024
From: Ryan Foster, AICP, City Planner
Through: Melissa Jacobsen, City Manager

City staff received a completed zoning map amendment application by petition of the property owner, Jeffrey Murphy, per HCC 21.95.020 (e). On September 4, 2024 a public hearing was held at the Planning Commission Regular Meeting for a request to rezone the property at 4323 Main Street from Rural Residential (RR) District to Medical (M) District. The motion to approve the rezoning request by the Homer Planning Commission failed by a vote of 3-3. Attached are Staff Report 24-042 and the September 4, 2024 Planning Commission Unapproved Meeting Minutes with detailed information on the application and public hearing.

RECOMMENDATION:

The Planning Commission motion to approve the rezoning request failed by a vote of 3-3.

Attachments:

Planning Commission Staff Report 24-042
September 4, 2024 Planning Commission Unapproved Meeting Minutes



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 24-042

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
MEETING: September 4, 2024
SUBJECT: Application amending Zoning Map via Ordinance

Requested Action: Conduct a public hearing and recommend denial of the zoning map amendment to the Homer City Council

GENERAL INFORMATION

The applicant requests a change in zoning from Rural Residential to Medical.

Applicant: Jeffery Murphy
3675 Main Street
Homer, AK 99603

Location: 4323 Main Street (a new address needs to be assigned)

Legal Description: T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2007086 TSUNAMI VIEW SUB
LOT 2

Parcel ID: 17504022

Size of Existing Lot: 4.82 acres

Zoning Designation: Rural Residential District

Existing Land Use: Vacant

Surrounding Land Use: North: Vacant
South: Institutional
East: Residential
West: Vacant

Comprehensive Plan: Land Use: Medical or Rural Residential

Wetland Status: No KWF Wetlands Assessment on the lot.

Flood Plain Status: None

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 12 property owners of 11 parcels as shown on the KPB tax assessor rolls.

GENERAL INFORMATION

This application proposes a zoning map amendment to move the Medical District Boundary north to encompass the subject lot. The applicant states that buyers approach him looking for Medical District property and they are having a difficult time finding suitable parcels and that the rezoning will help fill this need.

HCC 21.95.060 Review by Planning Commission

- a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.
- b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.
- c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with Chapter 21.94 HCC.
- d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal.

21.95.050 Planning Department review of zoning map amendment.

The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 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.

Applicant: See attached application.

Analysis: The 2018 Comprehensive Plan identifies Medical District as a new land use with the following intent:

“Acknowledge demand for medical services will increase with a larger, aging population. Enact zoning regulations that allow medical services to expand with the growing need for life long medical care, in a localized area near the hospital.”

The Comprehensive Plan Land Use Recommendations Map (see attached) identifies the new Medical District to be recommended south of the subject property.

Per the 2018 Comprehensive Plan, the Rural Residential land use is “intended to provide areas for low density residential development and limited agricultural pursuits.” The Comprehensive Plan Land Use Recommendations Map identifies the subject parcel as Rural Residential.

Staff Finding: The proposed zoning change is inconsistent with the Comprehensive Plan and the Comprehensive Plan Land Use Recommendations Map.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Applicant: See attached application.

Analysis: The conditions of the subject property have not changed significantly since the creation of the Medical District. The steep slopes and development challenges of the subject property remain unchanged and the initial creation of the Medical District was appropriate.

Tsunami View Subdivision

Plat note #2 of the Tsunami View Subdivision (see attached) from 2007 notes the following restriction for development of the subject property.

- 2. Roads and other development shall not be constructed within areas designated as “slopes exceeding 30%” unless development plans, including a geotechnical study and hydrologic study of the area, have been submitted to and approved by the City of Homer



The view of the subject property from the South Peninsula Hospital (facing north)



The view of the subject property from the South Peninsula Hospital with retaining wall (facing north)

Staff Finding: The amendment would apply a zoning district that is not better suited to the area because conditions have not changed since the creation of the Medical District boundaries and the initial creation of the Medical District was appropriate.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Applicant: See attached application.

Analysis:

Public Services

City water and sewer are available at Hohe Street and access to the subject property would be via Hohe Street, a City maintained road, but the road would need to be extended. Full police and fire services are available. Public services and facilities are adequate to serve the property.

Public Facilities and Environmental Conditions

The 2022 Local Hazard Mitigation Plan addresses the topic of landslides and the associated Landslide Hazard Areas Map (see attached) depicting the subject property in an area with slopes over 20 degrees (those at higher risk of landslides) and to the south, the South Peninsula Hospital as a critical facility.

Slope Analysis

Based on the best current information, the average slope of the subject property is approximately 40% (see attached Slope Analysis Map). Per Homer City Code 21.44.030 Slope development standards:

b. Area of Development.

1. Except where the City Engineer approves a site plan under HCC 21.44.050 that provides for a larger area of development, the area of development on a lot with an average slope:

a. Of 15 to 30 percent shall not exceed 25 percent of the total lot area.

b. Greater than 30 percent but less than 45 percent shall not exceed 10 percent of the total lot area.

At approximately 40% average slope, the subject property shall not exceed 10 percent of the total lot area without a site plan approved by the City Engineer per HCC 21.44.050. The low density development imposed by the steep slopes on the subject property is more appropriate for a Rural Residential Zoning District.

Staff Finding: The rezoning of this 4.82-acre lot that from Rural Residential to Medical is not in the best interest of the public, as it is most suitable for Rural Residential development based on its current environmental conditions as stated above, which can limit the potential negative impacts development could have on critical infrastructure to the south, including the South Peninsula Hospital.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend denial to the City Council.

ATTACHMENTS

1. Application
2. Petition
3. Map of Rezone
4. Public Notice
5. Aerial Map
6. Comprehensive Plan Land Use Recommendations Map
7. Tsunami View Subdivision
8. Local Hazard Mitigation Plan Landslide Section and Map
9. 4323 Main Street Slope Analysis Map



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

Rezoning Application

For Staff Use Only

Fee Amount:	Received by:	Planning Commission Public Hearing Date:
Date application accepted as complete:		HAPC approval or denial date:

APPLICANT INFORMATION

Name: Jeffery L. Murphy Phone Number: 907-290-0069

Address: 3675 Main ST Homer, AK 99603

Property Owner (if different than applicant)

Name: Same Phone Number: _____

Address: _____

PROPERTY INFORMATION (if more than one lot, list on separate page)

Street Address: 4323 Main ST Lot size: 4.62 Ac Tax parcel number: 17504022

Legal Description: T6S R13 W SEC 19 Seward Meridian Hm 2007086 T Seward
Urean Sub Lot 2

Circle one: Is City water available? YES/NO City Sewer? YES/NO Electrical Service? YES/NO

What is the existing use of the property? Vacant undeveloped

What is the proposed use of the property? Medical office

What structures or land uses exist on the neighboring properties? (Examples: residential, commercial, vacant) List the zoning of these adjacent lots.

Structures/land use	Zoning
North: <u>nothing</u>	<u>Rural Residential</u>
South: <u>Hospital</u>	<u>Medical District</u>
East: <u>Res office</u>	<u>Res. office</u>
West: <u>Open Space - fair</u>	<u>Open Space Rec</u>

1. What is the public need and why is this rezone justified?

lack of available undeveloped property in the medical district

2. Describe the benefits and detriments of this proposed rezoning to:

(a) the community.

(b) the neighboring landowners.

(c) you, the property owner.

There is no detriment and there is a huge need for larger developable properties in this district

3. Can the proposed land use be developed in a manner that is compatible with development in adjacent zoning districts? If so, how? What effect will this change have on the surrounding properties?

yes, no adverse effects

4. Can the existing public facilities, services, and utilities accommodate the proposed use without any detrimental affect on adjacent zoning districts? If so, how?

yes, all services (water, sewer, electric, gas) are adjacent to the property

5. Would rezoning to a district allowing the proposed use permit other uses, which would not be compatible with adjacent land use?

no negative impact

6. How does this proposal relate to the Comprehensive Plan and purposes of the zoning regulations?

is compatible

7. How would the proposed change affect the public health safety and welfare of the surrounding area?

improve it

OTHER REQUIREMENTS

1. The applicant shall provide a map showing the area to be rezoned.
2. The applicant shall provide a petition, signed by a majority of the landowners within the proposed zoning area saying that they support the proposed change.

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:

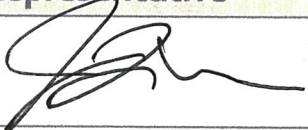
Owner of record ☒ Lessee _____ Contract purchase duly authorized to act for a person who has the following legal interest, _____ and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission Agenda only if all application materials are submitted.

Applicant Signature: _____

Property Owner Signature: _____

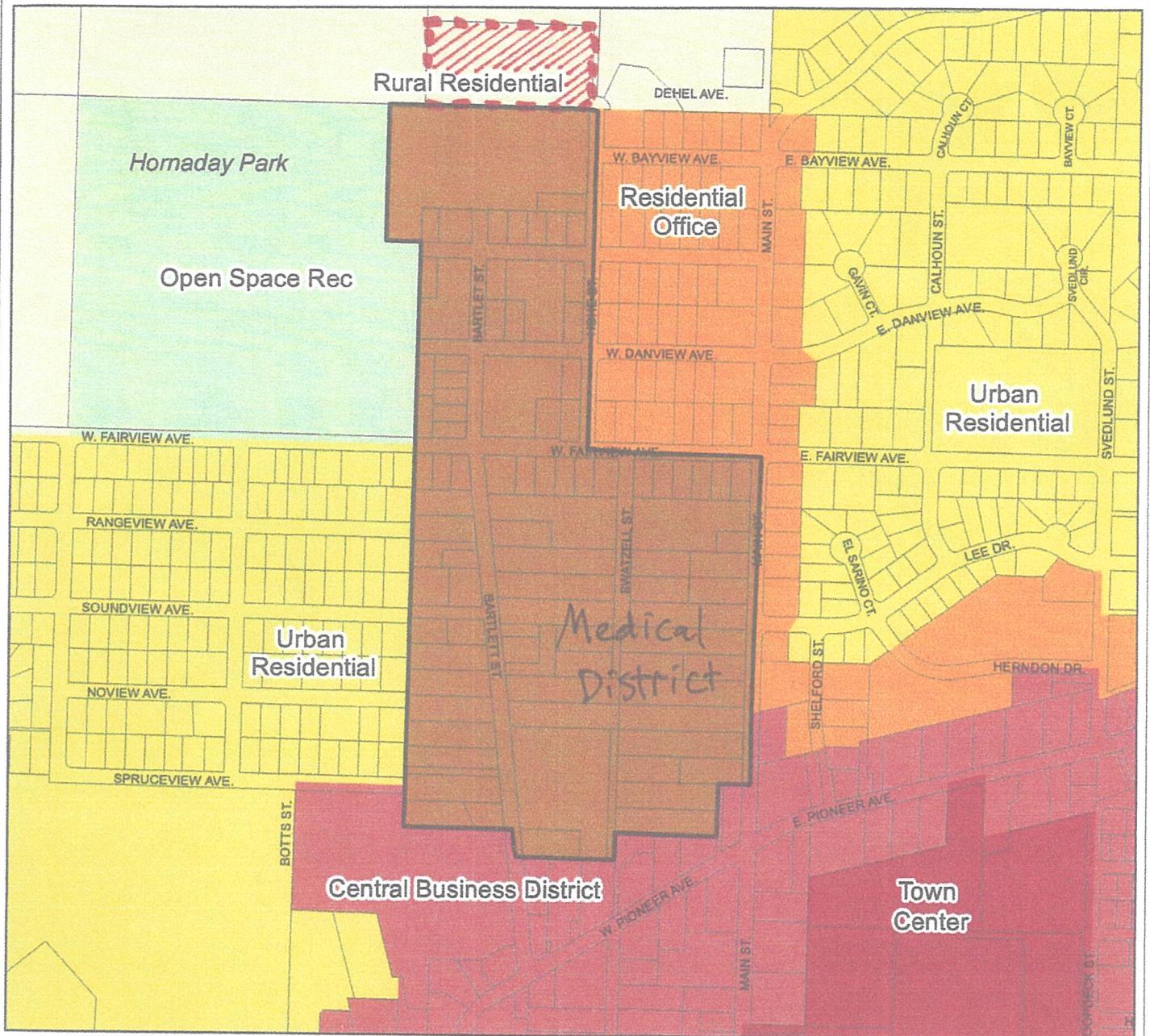
Petition

Proposed amendment:	The property at 4323 Main St. consists of one parcel which is 4.82 acres. Currently, the parcel is zoned Rural Residential. This request is to change the zoning of the entire property, Lot 2 Tsunami View Subdivision, to Medical District.
HCC 21.95.020(e)(3)(a)	"Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."
Statement of Justification	I have buyers approaching me looking for medical District property and they are having a difficult time finding suitable parcels - This Rezoning will help fill this need.

Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Jeffery L. Murphy		T6S R 13 W SEC 18 Seward Meridian HM 2007086 TSunami View Sub Lot 2	17504022









MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT

Rezone Proposal



Legend

Zoning Districts

-  - Proposed lot to be rezoned from Rural Residential to Medical
-  Central Business District
-  Town Center
-  Rural Residential
-  Urban Residential
-  Residential Office
-  Open Space Rec
-  Medical District

0 250 500 Feet



City of Homer
Planning and Zoning Department

5/20/2020

Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

TOPOGRAPHIC SURVEY (4' CONTOURS)

LOT 1

40' BY 50' FOOTPRINT (2000 SQ FT)

LOT 2

SOUTH PENINSULA HOSPITAL

LEGEND

- ⊕ FOUND BRASS CAP
- ⊙ FOUND REBAR WITH ALUMINUM CAP

I hereby certify that I have performed a topographic survey of the following property:

LOT 2, TSUNAMI VIEW SUBDIVISION,
SECTION 18, TOWNSHIP 6 SOUTH, RANGE 13 WEST,
SEWARD MERIDIAN.

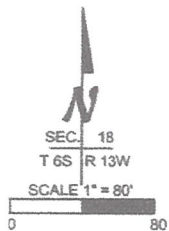
Homer Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.

FINELINE SURVEYS

P.O. Box 774

Anchor Point, Alaska 99556

Dmitri D. Kimbrell, RLS (907) 360 6382



**CITY OF HOMER
PUBLIC HEARING NOTICE
PLANNING COMMISSION MEETING**

A public hearing on the matters below are scheduled for Wednesday, September 4, 2024 at 5:30 p.m. during the Regular Planning Commission Meeting. Participation is available virtually via Zoom webinar or in-person at Homer City Hall.

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.10.030 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO MEDICAL (M) ZONING DISTRICT

The rezone from Rural Residential (RR) Zoning District to Medical (M) Zoning District is proposed for the following address:

**4323 Main Street
T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2007086 TSUNAMI VIEW SUB LOT 2**

In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603.

To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903
Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for August 30, 2024 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.




If you have questions, contact Ryan Foster at the Planning and Zoning Office. Phone: (907) 235-3106, email: planning@ci.homer.ak.us or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY

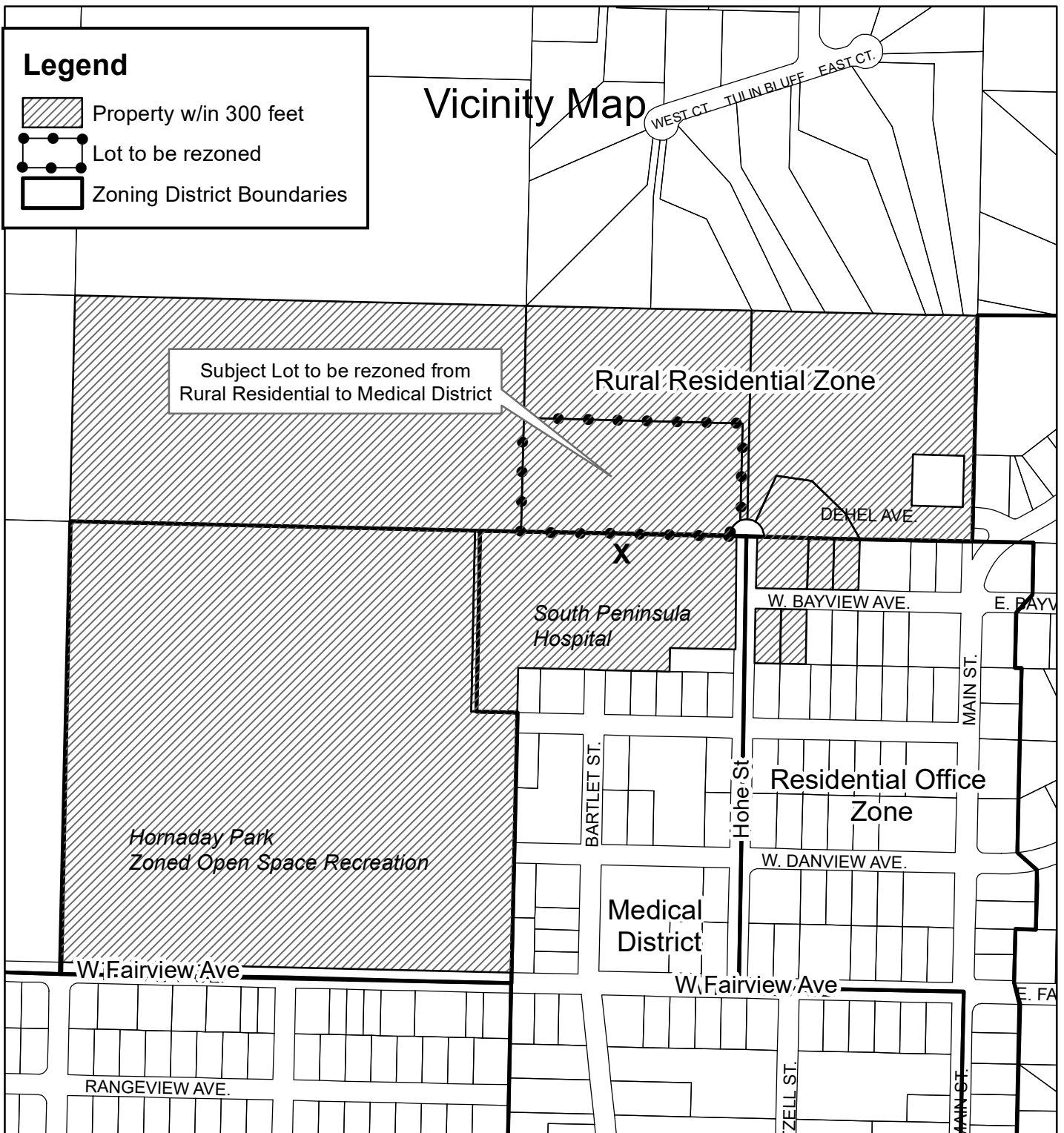
.....

VICINITY MAP ON REVERSE

Legend

-  Property w/in 300 feet
-  Lot to be rezoned
-  Zoning District Boundaries

Vicinity Map



City of Homer
Planning and Zoning Department

August 22, 2024

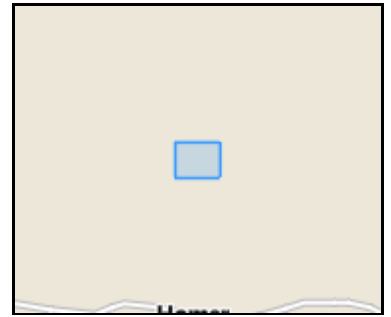
Request for a Rezone from Rural Residential to Medical District

Marked lots are within 300 feet
and property owners notified.

0 250 500 1,000 Feet



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Legend

Transportation

Mileposts



Roads

- Medium Collector
- Medium Volume - Unmaintained
- Medium Volume - Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

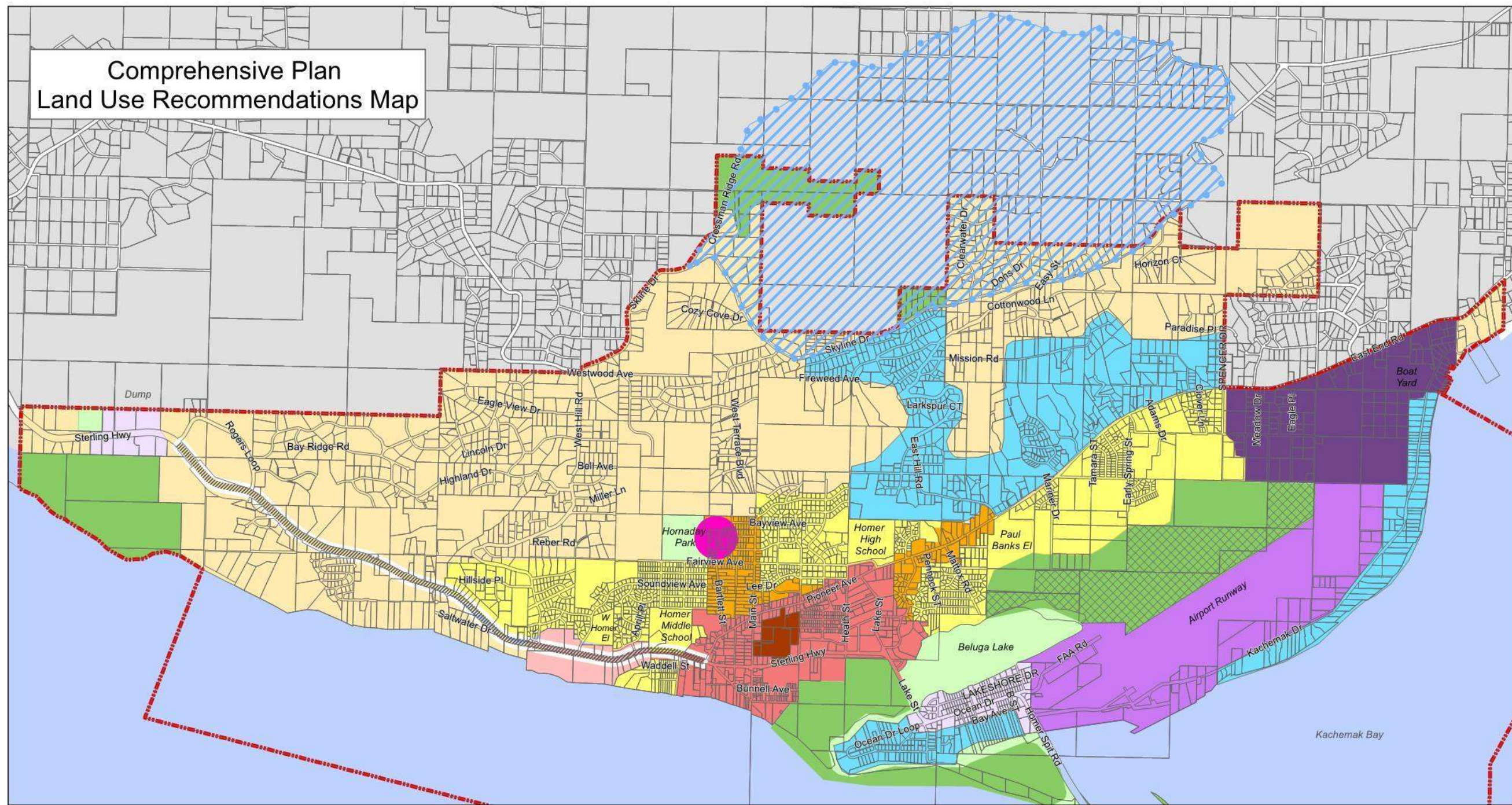
Parcels and PLSS

Tax Parcels



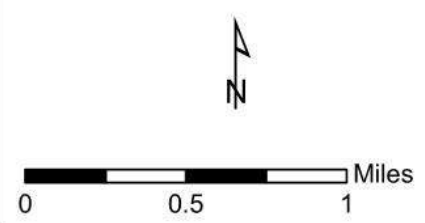
0 250 500 ft

NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.

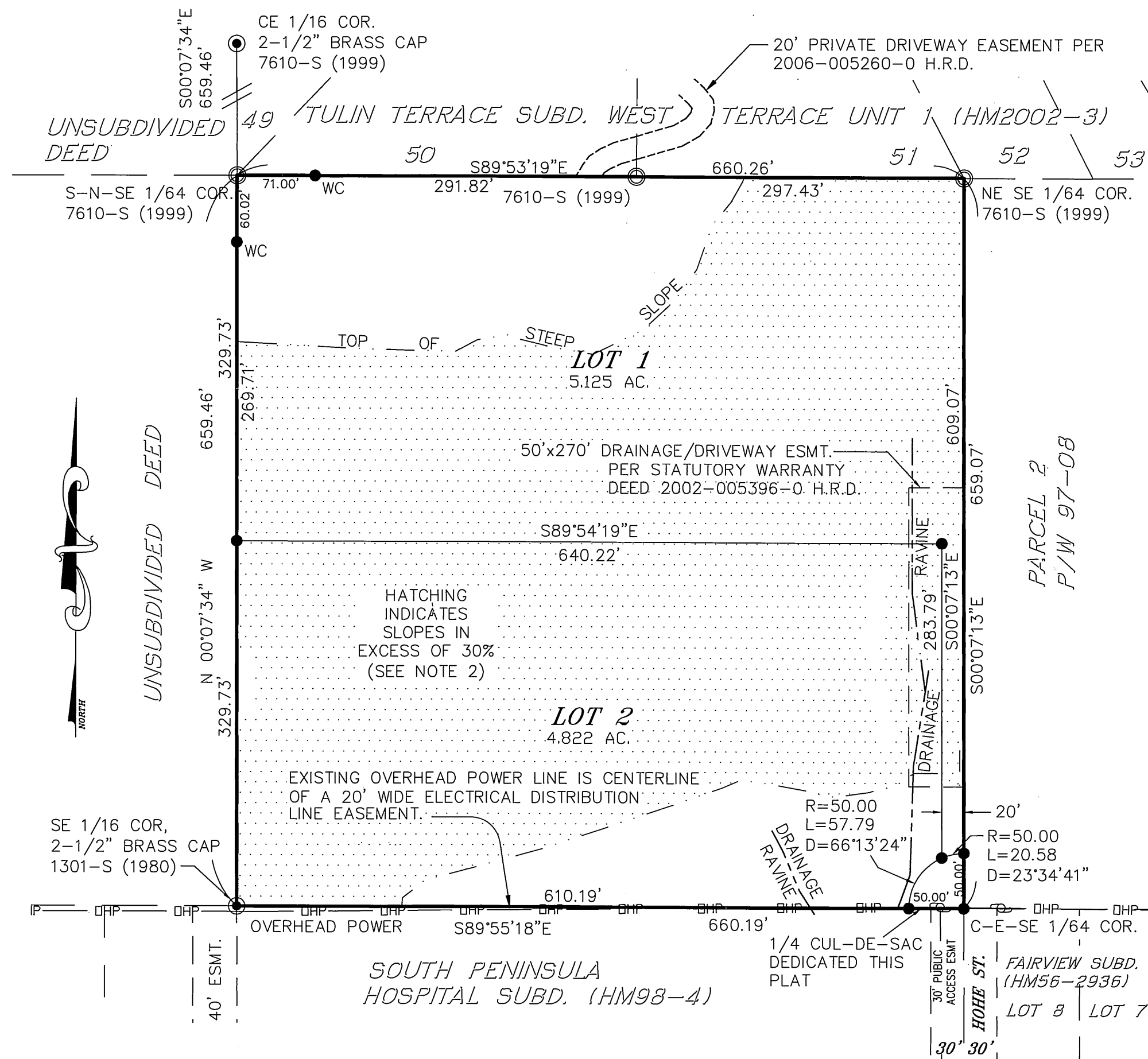


Legend

Land Use Recommendations	Town Center	Medical District	Rural Residential	City Limits
Bridge Creek Watershed	General Commercial 1	Residential Office	Open Space Rec	Airport Critical Habitat Area
Gateway Business District	General Commercial 2	Urban Residential	Conservation	
Downtown Mixed Use	East End Mixed Use	Residential Transition	Scenic Gateway Corridor Overlay	



City of Homer



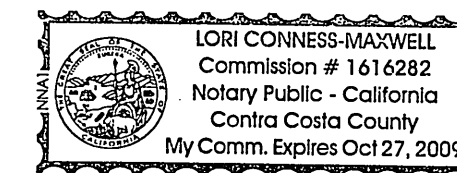
CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent grant all easements to the use shown.

Barbara Riley
Barbara Riley
1004 Rock Ridge Way
Pittsburg, CA 94656-4348

NOTARY'S ACKNOWLEDGMENT

For Barbara Riley
*Subscribed and sworn to before me this 27th day
of September, 2007.
Lori Conness-Maxwell 10/27/2009
Notary public for California My Commission Expires
* proved on the basis of satisfactory evidence



NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. ROADS AND OTHER DEVELOPMENT SHALL NOT BE CONSTRUCTED WITHIN AREAS DESIGNATED AS "SLOPES EXCEEDING 30%" UNLESS DEVELOPMENT PLANS, INCLUDING A GEOTECHNICAL STUDY AND HYDROLOGIC STUDY OF THE AREA, HAVE BEEN SUBMITTED TO AND APPROVED BY THE CITY OF HOMER.
3. A MINIMUM OF 15 FEET SHALL BE PROVIDED BETWEEN ANY STRUCTURES AND THE TOP OF THE BANK OF ANY DEFINED DRAINAGE.
4. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE.
5. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
6. ACCEPTANCE OF THIS PLAT BY THE BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS.
7. RESTRICTIVE COVENANTS AFFECTING LOT 1 ARE FILED AS SERIAL NO. 2006-05261, HOMER RECORDING DISTRICT, NOVEMBER 9, 2006.

WASTEWATER DISPOSAL FOR LOT 1

LOT 1 IS AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL FOR LOT 2

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Gary D. Nelson 7610-S 9-11-2007
SURVEYOR LICENSE # DATE

LEGEND

- SET 2 1/2" AL-CAP ON 5/8" REBAR
- FOUND 2 1/2" BRASS CAP ON 3/4" GALVANIZED PIPE
- FOUND 2" AL-CAP ON 5/8" REBAR
- ⊕ POWER POLE
- OHP— OVERHEAD POWER LINE

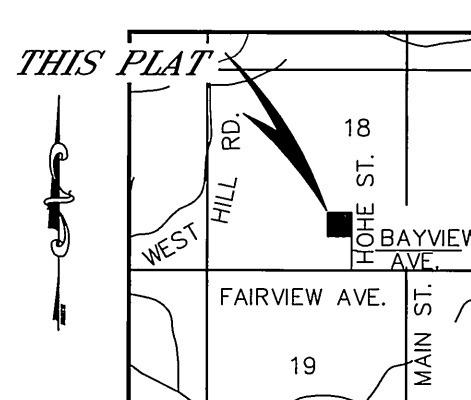
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 27, 2005
KENAI PENINSULA BOROUGH
BY *Max J. Beal*
Authorized Official

2004-86
Homer REC DIST
Date 10/11 2007
Time 2:03 PM
Requested By *Barbara Riley*
Address _____

VICINITY MAP

SCALE: 1" = 1 MILE



DATE 6-15-2007
SCALE 1"=100'
JOB No. 3853
DRAWING: 3853

TSUNAMI VIEW SUBDIVISION

A SUBDIVISION OF PARCEL 3, P/W 97-08, (BK 261, PG 996, HRD) LOCATED IN THE SE1/4 SEC. 18, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA CONTAINING 9.992 ACRES

ABILITY SURVEYS

GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

KPB FILE No. 2005-162

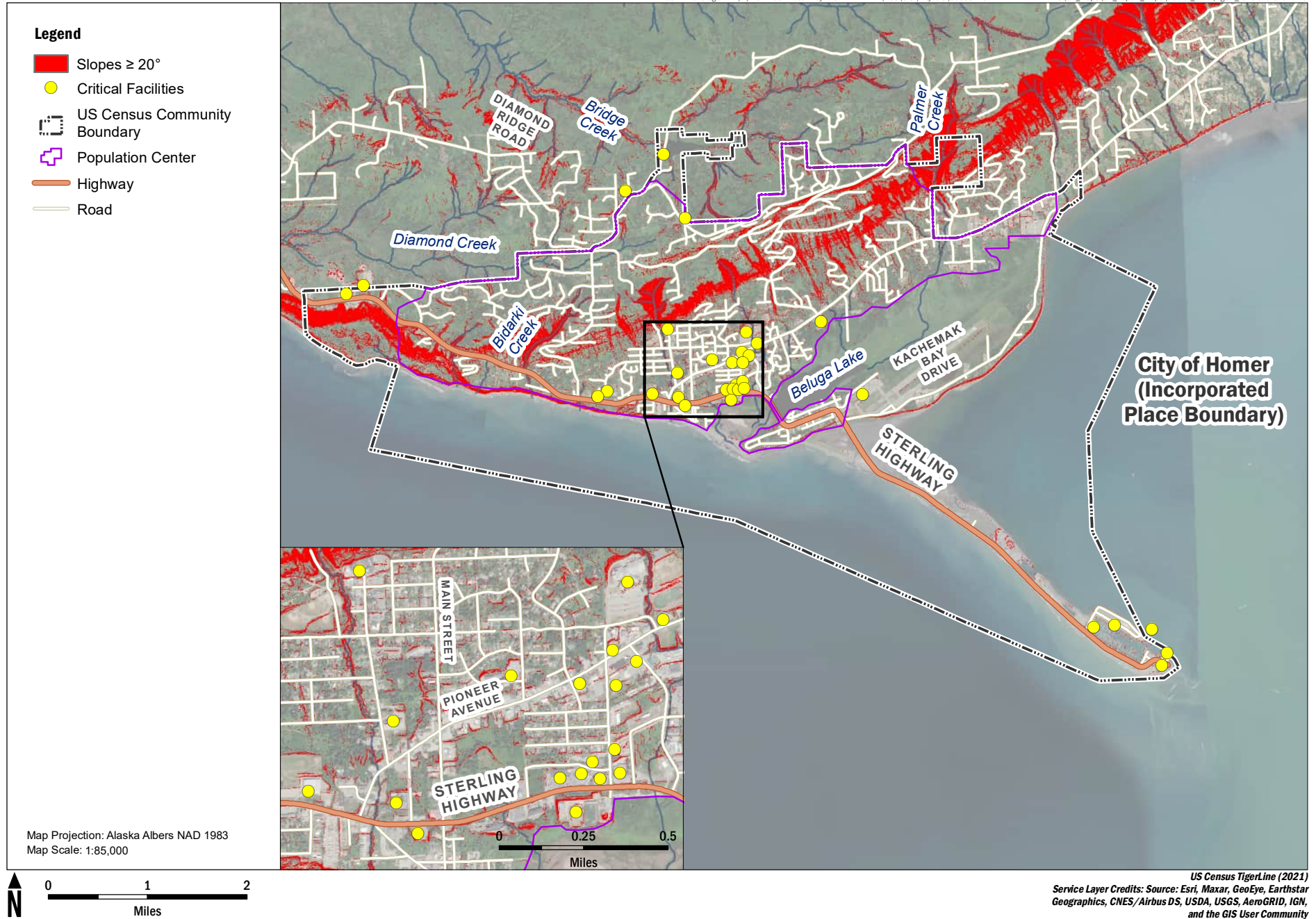
3.5 LANDSLIDE

Table 3-6: Landslide

Profile	Description
Nature	<p>Landslide is a general term for the dislodging and fall of a mass of soil or rocks along a sloped surface, or for the dislodged mass itself. The term is used for varying phenomena including mudflows, mudslides, debris flows, rock falls, rockslides, debris avalanches, debris slides, and slump-earth flows. Landslides may result from a wide range of combinations of natural rock, soil, or artificial fill. The susceptibility of hillside and mountainous areas to landslides depends on variations in geology, topography, vegetation, and weather. Landslides may also occur because of indiscriminate development of sloping ground or the creation of cut-and-fill slopes in areas of unstable or inadequately stable geologic conditions. Landslides often occur together with other hazards, which can exacerbate conditions as described below:</p> <ul style="list-style-type: none"> • Shaking due to earthquakes can trigger events ranging from rock falls and topples to massive slides • Intense or prolonged precipitation that causes flooding can also saturate slopes and cause failures leading to landslides • Wildfires can remove vegetation from hillsides, significantly increasing runoff and debris flow potential • Landslides into a reservoir can indirectly compromise dam safety; a landslide can even affect the dam itself • Saturation by water is also a primary cause of landslides. Saturation can occur in the form of intense or prolonged rainfall, snowmelt, changes in groundwater levels, and surface water level changes along coastlines, earth dams, and banks of lakes. <p>Another type of landslide occurs in areas cut by perennial streams; as floodwaters erode channel banks, rivers have undercut clay-rich sedimentary rocks along their southern bank, thereby destabilizing the ground and causing the ground above it to slide.</p>
Location	<p>In North America, there is an association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). Areas on the mountainous terrain in the city which includes slopes greater than 20 degrees, are shown in Figure 4. The highest concentration of these slopes is along the bluffs running between Skyline Drive East End Road and on the west end of the city, just south of the Sterling Highway (Bluff Point).</p> <p>The Bluff Point landslide is well documented and shown in Figure 5.</p>
History	<p>The ADGGS has identified over 1,000 slope failure scars using aerial photographs and light detection and ranging (LIDAR) data from the Homer and Kachemak areas. At least one severe landslide occurred in Homer above Kachemak following the Great Alaskan Earthquake.</p> <p>Notable landslide failures in Homer since the 2010 LHMP include:</p> <ul style="list-style-type: none"> • In 2013, heavy rains caused a 16-foot mudslide down Bear Creek Drive (3 miles east on East End Road). Uphill, when heavy rains saturated the narrow Bear Creek Canyon, it “let go,” which sent trees and debris down Bear Creek, jamming a culvert on the uphill side of East End Road. A disaster declaration was made for several rain-soaked areas in the Kenai Peninsula Borough. • In 2015, a landslide occurred along a stretch of Kachemak Drive near the Homer Airport. The slide resulted in the closure of Kachemak Drive approximately 0.5-mile from Homer Spit Road to the top of the hill by the old airport. The slide took out a 100-foot section of the east bound lane of Kachemak Drive, pushing clumps of spruce and alder trees into Mud Bay.

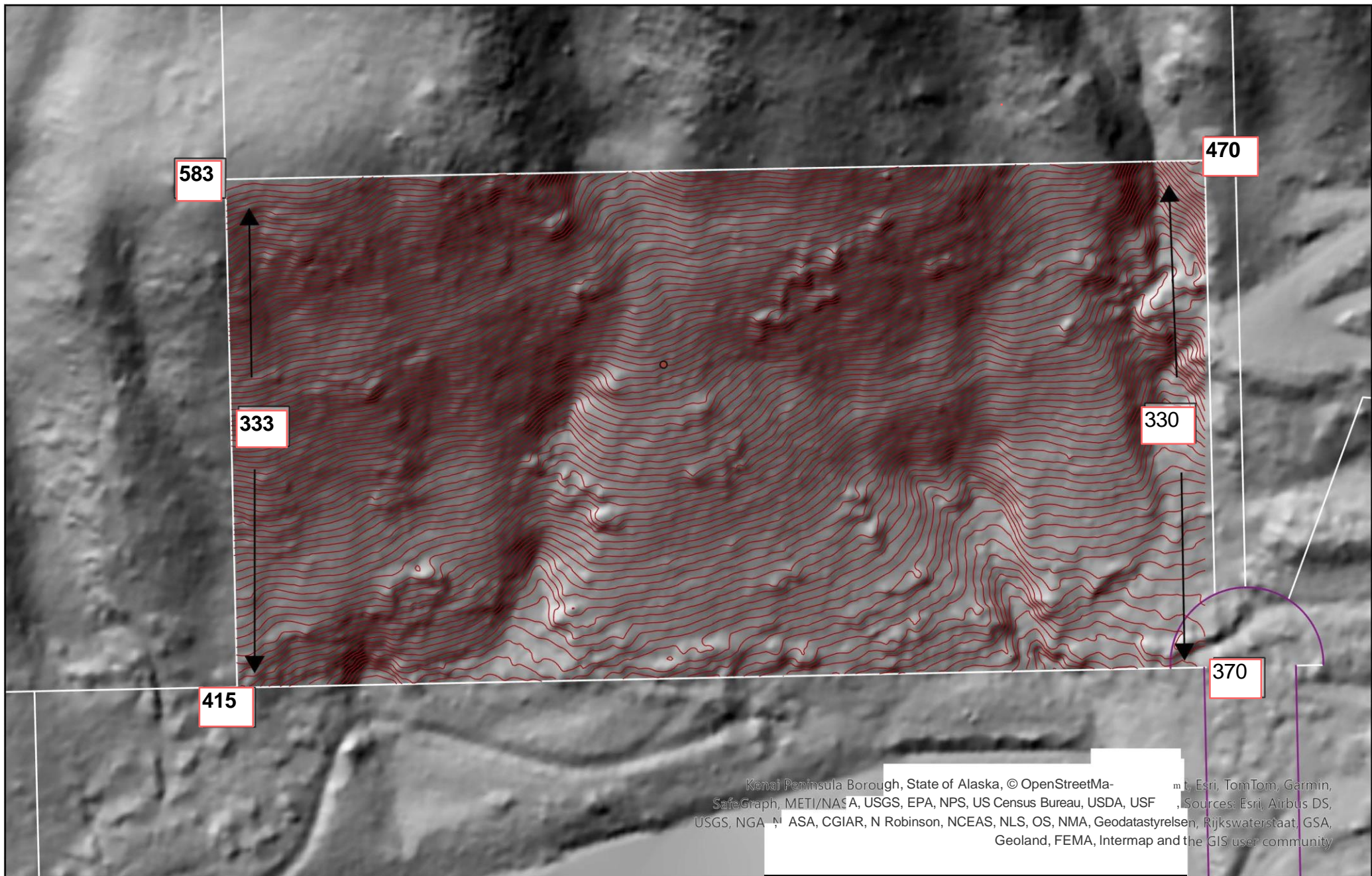
Table 3-6: Landslide

Profile	Description
Extent / Severity	No official landslide dataset exists for the City of Homer. However, in North America, there is an association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). As such, the mountainous terrain in Homer that includes slopes greater than 20 degrees is at greatest risk of slide. Approximately 17% (1,504 acres) of Homer is in this hazard area.
Recurrence Probability	Shallow landslides can occur at any time but are more likely to happen when the ground is nearly saturated. However, deep-seated landslides are generally triggered by deep infiltration of rainfall (which can take weeks or months to occur) and therefore typically follow major storm events. It is assumed that the probability of a future landslide event will be highly tied to winter storm/rain events. Based on historical occurrences, severe winter storm conditions are likely in the City of Homer every 2 to 7 years.

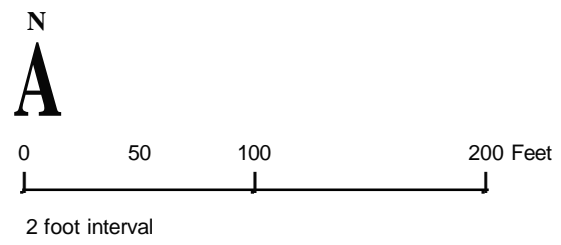


LAND FAILURE HAZARD AREAS

Figure 4



Kenai Peninsula Borough, State of Alaska, © OpenStreetMap contributors, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NOAA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



4323 Main St Re-Zone Slope Analysis

Average Slope 38 %



CALL TO ORDER

Session 24-14, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on September 4th, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER CONLEY, VENUTI, S. SMITH, SCHNEIDER, STARK & H. SMITH

ABSENT: COMMISSIONER BARNWELL (EXCUSED)

STAFF: CITY PLANNER FOSTER, DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair S. Smith read the supplemental items into the record, and requested a motion and second to approve the agenda as amended.

SCHNEIDER/H. SMITH MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Consideration

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster for a brief explanation. Mr. Foster explained that the Commission originally approved the preliminary plat consideration at its August 7th, 2024 Regular Meeting. He continued, providing that Commissioner H. Smith issued a timely notice for reconsideration regarding this plat on August 9th, 2024.

VENUTI/H. SMITH MOVED TO RECONSIDER THE STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT CONSIDERATION.

Commissioner H. Smith stated that in reviewing the previous discussion and thinking about some of the public testimony from the previous meeting, it had occurred to him that the redrawing of these boundaries on the plat would effectively eliminate the road easements, preventing certain properties in the area from having access. He said that he wanted to be able to have a fuller conversation about the effect of that on the adjacent properties, and what that would mean for their ability to develop and to be usable.

Chair S. Smith shared his opinion that he feels the decision on a project like this should be reserved for after the Comprehensive Plan is adopted.

Commissioner Stark commented that he feels the Commission's original decision on the matter complies with due process.

Commissioner Conley said that it's good to get the full value of agenda items when the Commission meets and discusses them, but warned the Commission of the precedent they might set for themselves if they continue to reconsider items frequently.

With no further discussion, Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: VENUTI, S. SMITH, SCHNEIDER, H. SMITH, CONLEY, STARK.

Motion carried.

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes of August 7, 2024
- B. Decisions and Findings CUP 24-11, 3869 Jennifer Place

Chair S. Smith noted for the record that all items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. He then requested a motion and second to adopt the consent agenda.

H. SMITH/SCHNEIDER MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

- A. City Planner's Report, Staff Report 24-041

City Planner Foster reviewed his staff report included in the packet, noting the following:

- Comprehensive Plan Survey results and Interactive Map results are being compiled, and will start to be released into the community next week
- Joint Worksession between the Planning Commission and PARCAC targeted for September 18th at 5:00 p.m.
- Planning Commissioner Training – two-part virtual Planning Commissioner Training hosted by the Alaska Chapter of the American Planning Association on Sunday, October 27th
- Next Regular Meeting is on Wednesday, September 18th
- Appeal has been submitted for CUP 24-09, 955 Sterling Highway

B. Comprehensive Plan Steering Committee Report

City Planner Foster encouraged the Commission to review the unapproved minutes from the last meeting, in addition to Commissioner Barnwell's report.

PUBLIC HEARINGS

- A. AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.10.030 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) ZONING DISTRICT TO MEDICAL (M) ZONING DISTRICT, Staff Report 24-042

Chair S. Smith introduced the item by reading of the title before deferring to City Planner Foster for an explanation.

Mr. Foster provided a summary overview of his staff report included in the packet. He noted that a new address will be assigned to this property in the future, but that for now the address is 4323 Main Street.

Chair S. Smith opened the floor for the Applicant.

Jeffery Murphy addressed the Commission, stating that the medical district was completed to acknowledge that the demand for medical services will increase with an aging population. He added that the property he owns couldn't be any closer to the hospital, as it abuts the hospital. He acknowledged that the property is certainly steep slope, but stated that doesn't mean that he can't do anything with it. Mr. Murphy also pointed out that most of the uses permitted in the rural residential zoning district are identical to those that are permitted in the medical zoning district, noting that the major difference is that medical offices and medical support buildings are not permitted in the rural residential zoning district. He stressed to the Commission that the best use for this piece of property was for it to be included in the medical district rather than rural residential.

Chair S. Smith opened the public hearing period. There were no comments.

Chair S. Smith opened the floor to questions and comments from the Commission.

Commissioner H. Smith questioned Mr. Murphy if he took part in any of the discussions when the medical district was formed, or if there was any consideration for that piece of property to be included in the medical district. Mr. Murphy stated that he talked with one member of the Planning Department at that time, who informed him that the property was undevelopable, and further that he never followed through on it.

Commissioner H. Smith then asked the members that were on the Commission at that time if this property was something that was considered to be included in the medical district, or had there been anything provided as a pro or con, or why it wasn't included.

Chair S. Smith noted that he and Commissioner Venuti were the only members from that time period that remain active on the Commission, and that he doesn't recall this lot ever being considered as part of the medical district. He went as far as saying that everything that the Commission previously debated was further south. Commissioner Venuti stated that he recalled everything exactly as Mr. Smith laid it out.

Commissioner H. Smith asked if this land was appropriate for any kind of zoning designation if it isn't even appropriate for the medical district. He added that there is a land problem in Homer, and that at some point the realization needs to occur that there is a level of risk that will be incorporated into a lot of things that the Commission deals with.

Chair S. Smith stated that in evaluating the legitimacy of the concerns of steep slope building he isn't certain that he views them as logical.

Commissioner Stark added that the Commission shouldn't be in fear of developing areas with steep slopes, highlighting the development that is taking place on both West Hill Road and East Hill Road.

Commissioner Schneider stated that this is an item that should be considered by the Comprehensive Plan that's being developed, as well as the forthcoming rezoning process.

Commissioner Venuti said that as an experienced inspector he couldn't imagine anything being built on that slope, whether it be residential or medical. He provided the reasoning for his statement, claiming that any negative effect of something being built up there would have a dramatic effect on the hospital.

Commissioner Conley pointed out that by rezoning this property, the Commission would likely be accelerating the timeline of the property getting developed, and questioned if that is what they want to see happen there.

STARK/H. SMITH MOVED TO RECOMMEND APPROVAL OF APPLICATION 24-042 TO CHANGE RURAL RESIDENTIAL ZONE TO MEDICAL DISTRICT ZONE.

There was no further discussion. Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: STARK, H. SMITH, S. SMITH

VOTE: NO: VENUTI, CONLEY, SCHNEIDER

Motion failed.

PLAT CONSIDERATION

1. Staff Report 24-043, Thomas Court Subdivision, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster who provided a summary of his report included in the packet. Mr. Foster noted that this is the third time that this plat is being seen by the Commission.

Chair S. Smith opened the floor for the Applicant.

Karen Christopher explained that her property contains two homes, and Thomas Court runs through both of them. She mentioned that there are four families who live with her on Thomas Court, and that they drive right through her property to get to East Hill Road, stating that's the way it's always been. Ms. Christopher stated that she and her husband are wishing to subdivide a large log home on the property given the costly payments. The subdivision would allow them to sell the log home while retaining their current residency here in Homer.

Chair S. Smith opened the floor for public comments, but there were none.

Chair S. Smith then opened the floor to questions and comments from the Commission.

Commissioner H. Smith asked Ms. Christopher if that was a private road easement or a city road that cuts through her property. Ms. Christopher answered that it's a private road. Mr. Smith then questioned if she has a road easement agreement with the people on the north side on Thomas Court that provides those people with access from East Hill Road, to which Ms. Christopher affirmed this was correct.

Commissioner Schneider inserted that he needed to declare a potential conflict of interest, claiming that the Applicant is a current client of his as they are currently in a business relationship.

VENUTI/H. SMITH MOVED THAT COMMISSIONER SCHNEIDER HAS A CONFLICT OF INTEREST.

Commissioner Conley asked if the relationship between Mr. Schneider and the Applicant would affect the way that he perceives this application, to which Mr. Schneider asserted that it would not.

Commissioner Venuti questioned Mr. Schneider on whether he had any financial interest in this project that he would gain. Mr. Schneider jokingly answered, "only that she can afford to pay me."

Commissioner H. Smith asked Mr. Schneider if any of his income would be affected if he were to vote in the negative. Mr. Schneider stated that there is no direct connection between this vote and any funds involved.

When asked if he would benefit financially as a result of the Commission potentially approving the plat, Mr. Schneider stated that he would not benefit in any way.

Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH

Motion failed.

VENUTI/CONLEY MOVED TO ADOPT STAFF REPORT 24-043 AND RECOMMEND APPROVAL OF THE THOMAS COURT SUBDIVISION PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. RECOMMEND THE SURVEYOR PROVIDES APPROXIMATE LOCATIONS OF SLOPES OVER 20 PERCENT IN GRADE OR DEMONSTRATES THAT THERE ARE NO SLOPES OVER 20 PERCENT.
2. THE OWNER WILL NEED TO ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY. A NEW WATER AND SEWER SERVICE WILL NEED TO BE PROVIDED TO LOT 1-E-1. BOTH EXISTING HOUSES WILL NEED TO BE SERVED BY THEIR OWN WATER AND SEWER SERVICES WITH NO LINES CROSSING PROPERTY LINES, EXCEPT WHERE THE LINE COMES FROM THE MAIN LINE IN THE PUBLIC RIGHT-OF-WAY TO THE PROPERTY BEING SERVED.

Chair S. Smith commented that the first time the Commission saw this application, the tenant in Lot 1-E-1 was saying that the particular lot line adjustment caused her cabin to be in violation of some sort. He questioned City Planner Foster if that issue had been resolved. Mr. Foster answered that these are two very different applications, with the prior application having a dedicated right-of-way.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

2. Staff Report 24-044, Bayview Gardens Subdivision Addn. 1 Jennings 2024 Replat, Preliminary Plat

Chair S. Smith introduced the item by reading of the title, and deferred to City Planner Foster, who provided a summary of his report included in the packet.

Chair S. Smith opened the floor for the Applicant.

Katie Kirsis stated that she is the surveyor who prepared the plats for this project. She added that it's a simple plat, claiming that they're just moving a lot line. She made herself available for questions.

Chair S. Smith opened the public comment period, but none were offered.

Chair S. Smith then opened the floor to questions and comments from the Commission, but there were none.

Chair S. Smith then requested a motion and second.

SCHNEIDER/H. SMITH MOVED TO ADOPT STAFF REPORT 24-044 AND RECOMMEND APPROVAL OF THE BAYVIEW GARDENS SUBDIVISION ADDITION 1 JENNINGS 2024 REPLAT, PRELIMINARY PLAT WITH THE FOLLOWING ADDITIONAL COMMENTS:

1. THE UTILITY EASEMENT IS DEPICTED AS A 10' UTILITY EASEMENT PER (HM 76-104), HOWEVER IT SPELLS IT OUT AS A 15' UTILITY EASEMENT IN NOTE #1. A 15' UTILITY EASEMENT SHOULD BE DEPICTED ON THE PLAT TOO.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

NEW BUSINESS

- A. Staff Report 24-045, Storm Water Works Tracts One, Preliminary Plat Reconsideration
Memorandum from Deputy City Clerk as backup

Chair S. Smith introduced the item by reading of the title, and noted the motion that was on the table as a result of the reconsideration:

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT 24-036 AND RECOMMEND APPROVAL OF THE STORM WATER WORKS TRACTS ONE PRELIMINARY PLAT.

Commissioner H. Smith questioned what determinations had been made that would eliminate access to some of these properties. City Planner Foster stated that if the Commission is looking to obtain more information regarding this plat that the best practice would be to postpone the item to the next meeting in order for the item to be re-noticed. This would provide a way for City Staff to provide a notification to the appropriate parties that can answer the questions that are being asked. Mr. Smith added that part of his concern is that the Commission is allowing a replat of one property that could affect several properties.

Chair S. Smith stated that he tends to agree with Commissioner H. Smith that the letter from the surveyor in the initial application gave indication that there were some things being requested with this application that jeopardized access to other lots, adding that further clarification would be helpful.

After lengthy discussion among the Commission about the cleanest way to move forward with the motion on the floor, Deputy City Clerk Pettit requested the Chair call a recess so he could determine the best way to move forward with the motion on the floor.

Chair S. Smith declared a 10-minute recess at 8:36 p.m.

Chair S. Smith called the meeting back to order at 8:46 p.m.

SCHNEIDER/VENUTI MOVED TO POSTPONE STAFF REPORT 24-045 STORM WATER WORKS TRACTS ONE, PRELIMINARY PLAT RECONSIDERATION UNTIL THE NEXT REGULARLY SCHEDULED MEETING, ALLOWING CITY STAFF TO PURSUE RE-NOTIFICATION AND GATHER ANY INFORMATION NECESSARY CONCERNING THE REPLAT.

Chair S. Smith offered an amendment to the motion before being informed by Deputy City Clerk Pettit that an amendment is out of order at this time given the higher ranking motion to Postpone to a Certain Time.

There was no further discussion.

Chair S. Smith requested the Clerk to perform a roll-call vote for the postponement.

VOTE: NO: H. SMITH, CONLEY, STARK, VENUTI, S. SMITH, SCHNEIDER.

Motion failed.

Commissioner Conley asked a clarifying question regarding the different numbers between the two staff reports that pertain to the Storm Water Works Tracts One Preliminary Plat. City Planner Foster noted that Staff Report 24-045 was associated with the reconsideration, and that the original staff report was Staff Report 24-036.

SCHNEIDER/CONLEY MOVED TO POSTPONE STAFF REPORT 24-036 UNTIL THE NEXT REGULARLY SCHEDULED MEETING SO THAT STAFF CAN RE-NOTICE AND PROVIDE THE PLANNING COMMISSION WITH ADDITIONAL INFORMATION, INCLUDING THE IMPACT THAT THE REPLAT WILL HAVE ON THE NEIGHBORING PROPERTY OWNERS IN REGARDS TO ACCESS.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. PC Annual Calendar 2024
- B. 2024 Meeting Dates & Submittal Deadlines
- C. Comprehensive Safety Action Plan – Safe Streets and Roads Flyer

Chair Smith noted the informational materials included in the packet.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Foster thanked everyone for their hard work tonight.

Deputy City Clerk Pettit thanked the Commission for always teaching him new things and testing his knowledge.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Venuti thanked everyone for serving tonight, and noted that the training session with City Clerk Krause was interesting.

Commissioner H. Smith thanked everyone for their time this evening, and thanked Deputy City Clerk Pettit for including the larger plats as part of the packet.

Commissioner Stark thanked City Planner Foster for his analysis and guidance, and thanked Deputy City Clerk Pettit for his work tonight. He also thanked the Commissioners for their hard work tonight.

Commissioner Conley thanked the Commission and City Staff.

Commissioner Schneider echoed all of the previous comments, and noted that he always learns so much at these meetings.

Chair S. Smith thanked the City Staff, and noted that he will likely be out for the October 16th meeting.

ADJOURN

There being no further business to come before the Commission Chair S. Smith adjourned the meeting at 9:00 p.m. The next Regular Meeting is **Wednesday**, September 18, 2024 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 4, 2024

UNAPPROVED

Zach Pettit, Deputy City Clerk I

Approved: _____