



MEMORANDUM

Ordinance 25-54, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 8 Permits, Licenses and Regulations by Adding Chapter 8.13 Temporary Retail Services.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: September 22, 2025
From: Julie Engebretsen, Community Development Director
Through: Melissa Jacobsen, City Manager

Recommendation: Do not introduce Ordinance 25-54.

At the meeting of August 11, 2025, the City Council moved to introduce Ordinance 25-54 but then postponed introduction and referred the ordinance to the Economic Development and Planning Commissions, and the Chamber of Commerce. Packet materials for both Commissions were identical; the EDC packet is attached.

At their September 3rd meeting, the Planning Commission failed a motion to recommend adoption.

On September 9th, the Economic Development Advisory Commission held a work session and invited the Chamber of Commerce Executive Director, the Homer Business Advisor of the Alaska Small Business Development Center, several business owners, and Kyra Wagner (Homer Soil and Water and Homer Farmer's Market advocate). Ultimately Brad Anderson and Kyra were able to attend the work session, but no other public attended. A robust conversation ensued. At the regular meeting the EDC made the following motion:

"EDC feels Ordinance 25-54 does not solve a variety of problems and the EDC supports a review of the itinerant merchant code with consideration of the simplicity of the mobile food regulations."

Question for Council: When the EDC updates their annual work plan in November, should they add a review of the itinerant merchant code for 2026?

Attachments:

1. EDC discussion points
2. Planning Commission memo and minutes
3. Public Comment



City of Homer

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Community Development

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Memorandum

TO: ECONOMIC DEVELOPMENT ADVISORY COMMISSION AND
HOMER ADVISORY PLANNING COMMISSION

FROM: JACKIE MCDONOUGH, COMMUNITY DEVELOPMENT ASSOCIATE

DATE: AUGUST 14, 2025

SUBJECT: ITINERANT MERCHANT CODE REVISIONS

Purpose: The City Council requests guidance on postponed Ordinance 25-54, to determine if/how to accommodate vendors who wish to sell non-food items from temporary structures or vehicles within the Central Business District.

Background

Over the last year, there have been many inquiries from entrepreneurs wanting to conduct business from vehicles or temporary structures in the Central Business District and on the Spit. Those who want to sell food can do so thanks to a 2022 code revision. A City of Homer mobile food permit costs only \$50 annually; the number of mobile food services has doubled, and compliance is at 100%.

Vendors who want to sell non-food items or offer services are limited to the Itinerant Merchant License (HCC 8.08), which is expensive, onerous, and geared more toward door-to-door solicitation. While itinerant merchants may operate in the CBD, there is currently no allowance for temporary structures without a zoning permit. Ordinance 25-54 seeks to allow temporary structures, for retail.

Questions to consider

1. How long is temporary? "Temporary business" under Itinerant Merchant code is limited to 60 days, with associated temporary structures requiring removal immediately upon expiration [HCC 8.08.060]. Food trucks do not have limitations beyond having to reapply annually. Should temporary retail sales follow the mobile food unit model?
2. How would this affect traditional business owners in the CBD, who are asked to meet standards for fire safety, plumbing, and parking? Should small temporary structures be required to observe the same rules for road setbacks and attractive storefronts as permanent establishments?

3. Would mobile vendors be welcome to operate everywhere mobile food services and itinerant merchants are allowed, or everywhere retail sales are a permitted use?
4. Are we ready for all the creative ways this might be used? Picture a shack renting scooters, a mobile sauna unit, a Christmas tree stand, a trailer with fishing tackle, a leaning tower of hats, carpet sales. The intent of this ordinance is to allow retail sales only within “structures,” so vehicles are not under current consideration. However, staff has seen interest from the public in operating from all kinds of mobile and temporary units. What would make the ordinance fair, clear, and enforceable for these vendors?
5. Should the ordinance follow most of the provisions of the existing mobile food ordinance (8.11) including allowing generators? Should it also require provision e. *Not diminish the ability of others to conduct business, through excessive noise, odor, or other occurrence?*
6. Would temporary retail structure owners be required to have an Itinerant Merchant license (8.08), or should that license be eliminated as unnecessary and burdensome?

What's currently allowed where?

| | CBD | Rural Residential | East End Mixed Use | GC1 | GC2 | Marine Commercial | BCWPD |
|---|-----|-------------------|--------------------|-----|-----|-------------------|-------|
| Mobile Food Service [HCC 8.11] | ✓ | | ✓ | ✓ | ✓ | ✓ | |
| Itinerant Merchant [HCC 8.08] | ✓ | | ✓ | ✓ | ✓ | ✓ | |
| Mobile Commercial Structure, not used for construction [HCC 21.03, 21.04.070] | | | ✓ | | ✓ | | |
| Roadside Produce Stand [HCC 21.03] | | ✓ | | | | | ✓ |
| Farmers Market [HCC 21.03] | ✓ | | ✓ | ✓ | ✓ | | |
| Open Air Business [HCC 21.03] | | | ✓ | ✓ | ✓ | | |

Requested Action:

- Discuss the proposed ordinance 25-54, keeping in mind the balance between supporting entrepreneurship and respecting current business owner investment in the community.

- *Make recommendations to Council, with any amendments or changes by September 11th.*

Attachments:

HCC Ordinance 25-54

Memorandum CC-25-204 Amend HCC Title 8 Adding Chapter 8.13 Temporary Retail Services

Email from Jenny Stroyeck from Supplemental Packet

Council Minutes

Memorandum from Public Works Director Kort

**CITY OF HOMER
HOMER, ALASKA**

Davis/Aderhold

ORDINANCE 25-54

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE TITLE 8 PERMITS, LICENSES AND
REGULATIONS BY ADDING CHAPTER 8.13 TEMPORARY RETAIL
SERVICES.

WHEREAS, The City of Homer recognizes the growing interest in temporary and movable structures, such as food trucks and small retail shops, to promote economic development and vibrant community spaces; and

WHEREAS, The existing definition of mobile food service in Homer City Code 8.11.020 supports self-contained food service establishments but does not address other temporary retail structures, limiting opportunities for diverse commercial uses; and

WHEREAS, Creating a new category of movable retail structures will provide greater flexibility for entrepreneurs with limited resources to establish small businesses, such as mobile retail shops, without requiring permanent foundations; and

WHEREAS, Allowing movable retail structures will contribute to expanding the City's tax base by enabling new business opportunities and attracting visitors to commercial areas; and

WHEREAS, Movable retail structures enhance the city fabric and promote walkability by creating dynamic, accessible, and pedestrian-friendly commercial spaces in Homer's neighborhoods; and

WHEREAS, The City of Sitka defines movable structures as "structures built on a chassis with wheels, skids, or other mechanisms designed to facilitate mobility, not permanently affixed to a foundation," providing a model for broadening Homer's regulations to support temporary retail uses; and

WHEREAS, This amendment is intended to establish a new category of movable retail structures to include those on a chassis, skids, or wheels, thereby encouraging diverse, temporary commercial land uses that contribute to the economic and cultural vitality of Homer.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

~~Strike out~~ is deleted language, **bold underline** is new language

Section 1. Homer City Code Title 8 is hereby amended by adding Chapter 8.13 Temporary Retail Services as follows:

Chapter 8.13
TEMPORARY COMMERCIAL SERVICES

Sections:

8.13.010 Intent

8.13.020 Definition.

8.13.030 Permit Required

8.13.035 General standards

8.13.040 Permit – Application – Fees.

8.13.050 Permit Terms

8.13.080 Violation – Penalty.

8.13.085 Appeal of Decision

8.13.010 Intent

The intent of this chapter is to allow and regulate temporary retail services which may be beneficial to the City and its residents.

8.13.020 Definition.

For the purpose of this chapter, “temporary retail service” means a self-contained small commercial building, no larger than 150 square feet, that is designed to be readily moveable from location to location, without being permanently affixed to any site or permanently connected to any water or sewer utility service.

8.13.030 Permit – Required.

No person may operate from a temporary retail service as defined in this chapter within the City without first obtaining a temporary retail service permit from the City Manager or designee.

a. Exemptions. The permitting requirements of this chapter do not extend to the following instances:

1. Isolated or casual sales of personal goods, wares, vehicles, animals, etc., or to the sale of similar items at such functions as garage sales, flea markets, and bazaars;

2. Vendors participating in a special events permitted under HCC 5.46 or activities conducted at conferences that cater to a specialized audience;

3. A commercial fisherman who has a valid commercial fishing license issued by the State of Alaska and who has completed and filed with Alaska Department of Fish and Game the forms required to qualify as a “catcher-seller”.

8.13.035 General standards

The following general standards shall apply as requirements for the operation of temporary retail service in the City of Homer. The owner/operator of the temporary retail service shall:

1. Be registered to collect sales tax with the Kenai Peninsula Borough and be current on all sales tax remittances;

2. Have obtained permission from the property owner where operating;

3. Be located in a zoning district in which retail sales is a permitted use, or in any specific location authorized as part of an approved special event permitted under HCC 5.46;

4. Not create hazardous traffic patterns for vehicles or pedestrians;

5. Not diminish the ability of others to conduct business, through excessive noise, odor, or other occurrence;

6. Provide for the collection and removal of all waste from the site at the end of each day of operation;

7. Be in accordance with the regulations found in the City's Sign Code, HCC 21.60;

8. Post in a conspicuous place, able to be observed by the general public, their State of Alaska Business License, and the temporary retail service permit issued by the City of Homer (if applicable);

9. Ensure that, with the exception of generators, all operations, merchandise and services provided by and related to the temporary retail service be contained in or attached to the unit;

10. Not be located within a utility easement; within a building setback area, or within a State of Alaska Department of Transportation Right of Way;

11. If authorized to operate in a City right-of-way or on City property, hold a certificate of insurance indicating that the owner/operator's operation of a temporary retail service is covered by liability insurance that meets or exceeds the following:

| | |
|---|-------------------------|
| <u>Personal Injury (each occurrence)</u> | <u>\$100,000</u> |
|---|-------------------------|

Aggregate Products (each occurrence) \$100,000

Property Damage (each occurrence) \$50,000

8.13.040 Permit – Application – Fees.

Unless waived by the City Manager as part of a permitted special event under HCC 5.46, a valid permit is required prior to operating a temporary retail service in the City. An application for a temporary retail service permit shall be submitted to, and approved by, the City of Homer and shall contain the following:

- 1. Completed application form, as provided by the City of Homer;**
- 2. Permit fee as set out in the City of Homer Fee Schedule;**
- 3. If operating in a City right-of-way or on City property, proof of insurance;**

8.13.050 Permit Terms.

The temporary retail service permit shall expire at the end of the calendar year of issuance.

The City Manager, or designee, may revoke a temporary retail service permit if it is determined that the conduct of the operation(s) is not in compliance with either the terms and conditions of the permit, or the provisions of the Municipal Code. The permit may be revoked immediately, including during the operation of the temporary retail service.

8.13.080 Violation – Penalty.

The following actions are unlawful and considered a minor offense as defined in HCC 1.16.040:

- 1. Operating a temporary retail service without obtaining a valid city temporary retail service permit or special event waiver under HCC 5.46;**
- 2. Operating a temporary retail service in violation of any of the general standards set forth in HCC 8.13.035;**

3. Selling or attempting to sell food and/or beverage, merchandise or other services on foot or from a motor vehicle, trailer, tent or other temporary facility that does not qualify as a temporary retail service and is not exempted in HCC 8.13.030.

The owner, agent, or contractor of a temporary commercial service where a violation has been committed or exists, may be fined as provided in HCC 1.16.040. Each and every day that the violation continues shall be deemed a separate and distinct violation. All remedies and penalties provided for in this chapter shall be cumulative and not exclusive.

8.13.085 Appeal of Decision.

Judicial review by the superior court of a final decision on a temporary commercial service permit issued by the City may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The notice of appeal shall be filed within 30 days of notice of the final decision on the permit. Appeals of temporary retail service permits are heard solely on the administrative record which shall be prepared by the City. A copy shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

Section 2. This ordinance is of a permanent and general character and shall be codified in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this this ____ day of August, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

200 First Reading:
201 Public Hearing:
202 Second Reading:
203 Effective Date:



MEMORANDUM

Ordinance 25-54, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 8 Permits, Licenses and Regulations by Adding Chapter 8.13 Temporary Retail Services. Davis/Aderhold.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: August 5, 2025
From: Melissa Jacobsen, City Manager

At the July 28, 2025, City Council meeting, Councilmember Davis introduced Resolution 25-070 to direct the Planning Commission to amend city code, likely Title 21, to allow temporary retail structures on vacant lots in the Central Business District.

After discussion and postponement to August 11, 2025, city staff, including Community Development Director Engebretsen and myself, collaborated with Councilmembers Davis and Aderhold to develop a more streamlined solution that aligns temporary retail structures with mobile food service regulations, eliminating the need for the broader zoning code changes proposed in Resolution 25-070.

Currently, Chapter 8.11 regulates mobile food services as self-contained, movable establishments not requiring permanent utility connections. However, no clear framework exists for other temporary retail activities, such as mobile shops selling clothing or crafts. The existing Itinerant Merchant's License (HCC 8.08) is outdated, requiring burdensome processes like criminal background checks and high fees (\$1,020 for 180 days), and does not address mobile structures, making it unsuitable for modern entrepreneurs.

Ordinance 25-54 creates Chapter 8.13, Temporary Retail Services, to regulate self-contained small commercial buildings, no larger than 150 square feet that are designed to be readily moveable from location to location, without being permanently affixed to any site or permanently connected to any water or sewer utility service.

RECOMMENDATION:

City Staff have been approached multiple times this year by would-be entrepreneurs wishing to engage in temporary retail services, and Staff agrees with the sponsors that the avenue for temporary vendors of non-food items or services to operate in Homer is a gray area. Ordinance 25-54 gets us moving in the direction of finally saying "yes" to folks eager to open such businesses in our community. However, Staff believes a little extra time should be taken to re-craft this ordinance to also include updates to our outdated Itinerant Merchant code.

From: [Rachel Lord](#)
To: [Renee Krause](#)
Cc: [Melissa Jacobsen](#)
Subject: Fw: Temporary Retail Ordinance
Date: Monday, August 11, 2025 12:09:08 PM

Hi Renee,

Could you please include this in the supplemental or laydown packets tonight?
I checked with Jenny and she gave a thumbs up.

Thanks!

Rachel

Rachel Lord
Mayor
City of Homer
c. 907-435-7209
[From the Desk of the Homer Mayor](#) - Newsletter

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.

From: Jenny Stroyeck <wordfolk@xyz.net>
Sent: Saturday, August 9, 2025 10:26 PM
To: Mayor Email; Jason Davis; Donna Aderhold
Subject: Temporary Retail Ordinance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Rachel, Jason, and Donna-

I am curious about this ordinance as a business owner in the CBD. Are these temporary businesses required to have parking and ADA accessibility like those of us with permanent buildings? I can tell you that parking is at a premium on Pioneer Avenue in the summer and if there are going to be a bunch of tiny businesses popping up, where are their patrons going to park? I love the idea of a walking accessible downtown shopping area, but since we have no city or public parking lots for people to park their vehicles while strolling this pedestrian accessible shopping area..... how does this work?

Also, it seems that the city has a spoken commitment to increasing ADA accessibility. (And we have a long way to go!) Many businesses have done their best to provide access when remodeling, at their own cost. Others have not. This is where I see a temporary shop as different from a food truck. In every food truck I have seen, only employees enter and as long as the surface where the truck is parked is smooth and reasonably level, accessibility is generally

not a problem. If customers are entering these shops, then it is my personal opinion that they need to be following the same accessibility standards as a permanent building. Otherwise we are just perpetuating the current double standard of accessibility only for the able.

I'm also concerned about the allowance of generators. Not a fan of adding to the noise pollution already present by the increasing number of floatplanes and growing traffic. I see that the ordinance does say that noise shall not impede the business of others. But who will enforce that? We have a current sandwich board ordinance in place, and it's pretty clear that there is no enforcement of that when the sidewalks and road edges are routinely blocked both in the CBD and on the Spit. (Also creating accessibility problems and unsafe conditions on the Spit where pedestrians walk into the traffic lane to get around the sandwich boards.)

I agree with Melissa that perhaps this needs to go back to planning and be thought through a bit more. I think it's great to offer an avenue to enter retail in a small way, but I would much prefer to see a planned area (maybe adjacent to the new rec center?) where shops could be clustered, and electrical hookups could be offered to minimize noise pollution and parking is available on site.

Our town is growing by leaps and bounds. I think planing and wise growth will keep it a spot tourists love to visit, and where people can live and raise families.

Thanks for your time and all the effort you put in to make our town a safe and livable place!

Jenny Stroyeck
65240 Diamond Ridge Rd.
Homer, AK 99603

Mayor Lord requested a roll call vote.

VOTE. NO. VENUTI, ERICKSON, ADERHOLD, PARSONS, DAVIS, HANSEN.

Mayor Lord called a five-minute recess at 8:08 p.m. She called the meeting back to order at 8:13 p.m.

ORDINANCE(S)

- a. Ordinance 25-54, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 8 Permits, Licenses and Regulations by Adding Chapter 8.13 Temporary Retail Services. Davis/Aderhold. Introduction August 11, 2025, Public Hearing and Second Reading August 25, 2025.

Memorandum CC-25-204 from City Manager as backup.

Mayor Lord introduced Ordinance 25-54 by reading of the title and requested a motion.

DAVIS/ADERHOLD MOVED TO INTRODUCE ORDINANCE 25-54 BY READING OF TITLE ONLY.

Discussion ensued on the following:

- Allowing retail sales in movable structures outside of food trucks
 - Not requiring connection to water & sewer as it would not be needed
 - ADA Accessibility
 - Use of generators and more noise pollution
 - Steppingstone to a more structured business
 - Not intended to put undue pressure on existing businesses
- Introduction and postponement to the second meeting in September
 - Staff review and make substantial edits
 - Council review staff edits and refers to the Planning Commission and EDC for recommendations
 - Having public input on this ordinance could provide valuable information before postponing it and giving it to staff rather than leaving it solely to the judgement of the staff
 - Having input from the Chamber of Commerce would be of great value as well, from Robert Green, Small Business Development
 - Postpone to the end of September and refer to the September 9th EDC meeting and Planning Commission September 3rd meeting
- Concern on impacts to “*brick & mortar*” businesses
 - Supporting temporary structures does not support the existing businesses
- Several preferences were recommended:
 - introduce the ordinance and hold a public hearing at the next meeting to hear from the public
 - Implement this ordinance and staff work on city code to address issues and concerns in detail over the next several months addressing itinerant merchant section in city code, etc.
- Implementation would allow business owners opportunities now or in the near future.
- Intent to create a walkable downtown, but there is nowhere to park

Mayor Lord restated for the record the three options presented by Councilmembers for the ordinance as she understood:

- Introduce and hold public hearing as normally done
- Introduce, postpone and refer to staff;
- Postpone and refer to advisory bodies; or

- Council can do nothing at all, as it is their decision.

ADERHOLD/ERICKSON MOVED TO POSTPONE ORDINANCE 25-54 TO THE SEPTEMBER 22, 2025 COUNCIL MEETING AND REFER THE ORDINANCE TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION AND HAVE STAFF DO ADDITIONAL REVIEW AND AMENDMENTS AS NEEDED.

Brief discussion on referring the ordinance to the Planning Commission followed.

ERICKSON MOVED TO AMEND THE MOTION TO ADD REFER TO THE CHAMBER OF COMMERCE.

Mayor Lord called for a second. Hearing none the motion failed due to lack of a second.

VENUTI/ADERHOLD MOVED TO AMEND THE AMENDMENT TO ADD REFER TO THE PLANNING COMMISSION AND ADD THE MEETING DATES

There was a brief acknowledgement that the ordinance would still need to be back before the Council at their second meeting in September and it was determined that the Planning Commission had a regular meeting on September 3, 2025 and the EDC had a meeting on September 9, 2025.

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

Motion carried.

Mayor Lord stated the amended motion to postpone for the record as follows and expressed her appreciation for the compromises and collaboration displayed.

ADERHOLD/ERICKSON MOVED TO POSTPONE ORDINANCE 25-54 TO THE SEPTEMBER 22, 2025 COUNCIL MEETING AND REFER TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION AND THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION AT THEIR SEPTEMBER MEETINGS AND FOR STAFF TO DO ADDITIONAL REVIEW AND AMENDMENTS AS NEEDED.

There was no further discussion.

VOTE. (Main motion as amended). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 25-55, An Ordinance of the City Council of Homer, Alaska, Amending the FY26 Capital Budget by Appropriating Funds in the Amount of \$8,000 from the Community Recreation Center Fund for a Public Information Campaign in Connection with the Ballot Proposition to Approve a City Sales Tax Increase in the Amount of 0.3%, for a Term of Eight Years, for the Purpose of Financing the Acquisition and Construction of a Multi-Purpose Community Recreation Center. Davis/Aderhold. Introduction August 11, 2025, Public Hearing and Second Reading August 25, 2025.

Mayor Lord introduced Ordinance 25-55 by reading of the title and requested a motion.

DAVIS/ADERHOLD MOVED TO INTRODUCE ORDINANCE 25-55 BY READING OF TITLE ONLY.

There was a brief comment on not making a motion or second and letting the motion die at the table.



MEMORANDUM

To: Planning Commission
Through: Ryan Foster, City Planner & Staff Liaison to the Planning Commission
From: Daniel Kort, Public Works Director
Date: August 27, 2025
Subject: Supplementary Information related to Ordinance 25-54

Background:

Discussion began relating to temporary businesses and whether they were required to connect to City of Homer (City) water and sewer services. The creation of Ordinance 25-54 came from these discussions.

Discussion:

In July 2025, Resolution 25-070 was introduced to direct the Planning Commission to amend city code to allow temporary retail structures on vacant lots in the Central Business District. After discussion, a new approach was proposed, which led to the introduction of Ordinance 25-54 Amending Homer City Code Title 8 Permits, Licenses and Regulations by Adding Chapter 8.13 Temporary Retail Services.

Some of the interest in this code amendment is to relieve the temporary structure from the requirement of connecting to city water and sewer. Water and wastewater utilities fall under the Public Works Department, and on behalf of the Public Works Department, I'd like to offer the Planning Commission information related to this proposed code change.

Homer City Code HCC 14.04.020(a) states *"Except as otherwise provided in this chapter, no person shall erect or occupy a dwelling or commercial or industrial building directly adjacent to the sanitary system without connecting to the sanitary system."* If a person builds on vacant land that has water and wastewater utility "frontage", they must hook up to the utility. The intent is likely tied to encouraging more water and sewer customers (residential, commercial, and industrial), and also health and safety reasons.

City code currently allows accessory structures to be built on a lot that has a primary structure which is already served by water and sewer. This accessory structure does not need to be served with water and sewer service, provided the primary structure on the lot has water and sewer service. The difference would be that in the proposed Ordinance, there would only be a temporary structure on the property fronting the water and sewer utility, but there is no utility connection made to the property.

Support of the proposed Code change is related to a presentation from “Strong Towns”, in which the presenter spoke about his observations of Pioneer Avenue, how he observed a lot of vacant land and parking lots, and how he believed we did not have developed property density to “pay for the miles of pipe in the ground”. There were also comments that the “Temporary Retail Services” would fill in the gaps and generate sales tax revenue. While this could provide people the opportunity to initiate a business opportunity to see if it will be successful and create sales tax revenue, it also raises question that Temporary Retail Service is no different than vacant land when it comes to the Strong Towns conversation of paying for the “miles of pipes in the ground”, because the “Temporary Retail Services” are bypassing the connection to the City’s utilities.

This proposed Code change brings up some questions/comments for consideration, such as:

- There are other existing “brick and mortar” retail facilities that are connected to City utilities. This Code change could cause some inequity where some retail businesses are connected to the City utilities, while other “Temporary Retail” are not connected. How would the City balance these inequities?
- How would the City prevent “quiet quitting” and retail facilities transitioning to temporary facilities to avoid overhead costs related to utilities?
- There are other businesses that don’t require water or sewer services to operate. This Code change currently only specifies “retail”, but how long before other businesses request coverage under this Code change?
- How long is “temporary”? How will the code prevent these temporary structures from becoming structures that are permanently located on properties?
- A business typically needs to provide employees and customers with restrooms. In this scenario, the temporary business would be shifting this responsibility onto the City owned and operated restrooms. This means that the City bears the cost related to providing restrooms, and all City customers offset the cost.

The concern is the less customers of the water and wastewater utility, the more expensive the rates are for each connected customer.

The Public Works Department understands the reason behind the proposed Code change and supports the general principle, however we are responsible to maintain and operate water and wastewater utilities in the best interest of the City and the customers. Perhaps there are things that can be considered in the formation of this proposed code change. Some examples:

- The presenter for Strong Towns mentioned that some City’s have “business incubator districts” where the City or a developer owns a single property and there are multiple temporary structures located upon the single property where people can operate temporary business as a “trial balloon” to determine if the business is successful.
- Perhaps the Code change limits the time period a temporary structure can be used before they have to transition to a “brick and mortar” structure.

- Perhaps the Code change includes stipulations where a property can only host a temporary structure for a set time period, followed by a “cooling off period” where a temporary structure cannot be located on the property to prevent one temporary structure being replaced with a second temporary structure, followed by a third, and so on.

Summary:

The Public Works Department recognizes the value in the proposed Code change, however has reservations on the potential impact. The potential impact being a reduction in users of the water and wastewater utility and shifting of cost burden upon other utility users. We are hopeful that some middle ground can be found where the City is fostering an environment that is conducive to new businesses, while simultaneously is advocating for connection to the City’s utilities.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

H. SMITH/WALKER MOVED TO FORWARD A RECOMMENDATION THAT CITY COUNCIL ADOPT THE 2025 HOMER COMPREHENSIVE PLAN WITH COMMENTS ATTACHED FOR CONSIDERATION OF AMENDMENTS.

There was brief discussion regarding the wording of the motion.

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

VOTE: YES: HARNESS, BARNWELL, WALKER, S. SMITH, VENUTI, H. SMITH, SCHNEIDER.

Motion carried.

NEW BUSINESS

- A. Ordinance 25-54, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 8 Permits, Licenses and Regulations by Adding Chapter 8.13 Temporary Retail Services, Memorandum PL 25-44

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of the memorandum included in the packet. Discussion topics included the Farmer's Market, what defines a "structure," parking requirements, and ADA accessibility.

SCHNEIDER/H. SMITH MOVED TO EXTEND THE MEETING TO 10:45 P.M.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

SCHNEIDER/VENUTI MOVED TO FORWARD A RECOMMENDATION THAT CITY COUNCIL ADOPT ORDINANCE 25-54 AS PRESENTED.

There was no discussion.

VOTE: NO: SCHNEIDER, H. SMITH, VENUTI, S. SMITH, WALKER, BARNWELL, HARNESS.

Motion failed.

INFORMATIONAL MATERIALS

- A. 2025 Planning Commission Calendar
- B. 2025 Planning Commission Meeting Dates & Submittal Deadlines

Chair S. Smith noted the informational materials included in the packet.

Summary comments from 9/9/2025 EDC Meeting on Ordinance 25-54

- EDC wants an attractive walkable downtown that is active year-round
- Homer has limited opportunities for new businesses to find a location to open
- Want to support fledgling businesses
- What's temporary? Years...maybe its not 'temporary,' its permanent?
- Concern over opening the door to less attractive buildings or unintended consequences
- Concern over generators and noise during business hours ... (this has been a problem for the Farmer's Market market to regulate.) Maybe regulate decibel level limits?
- Why allow only one building? What if someone wants several pop-up retail structures?
- Private property rights are important
- How does the ordinance affect current brick and mortar businesses?
- Offering a path for small businesses that face less regulation and pay fewer taxes may not create the pattern of development desired in Homer. Dense walkable mixed-use spaces will be less likely if people can make lesser investment to be in businesses.
- Ordinance should provide more specificity – address the use of generators, parking, and itinerant merchants in general
- Pioneer/CBD/Ocean Dr/ are all itinerant merchant areas
- Make itinerant merchant rules more like food trucks

Commission agrees with City Manager Jacobsen's comments in memo 25-204:

"Currently, Chapter 8.11 regulates mobile food services as self-contained, movable establishments not requiring permanent utility connections. However, no clear framework exists for other temporary retail activities, such as mobile shops selling clothing or crafts. The existing Itinerant Merchant's License (HCC 8.08) is outdated, requiring burdensome processes like criminal background checks and high fees (\$1,020 for 180 days), and does not address mobile structures, making it unsuitable for modern entrepreneurs."

Motion: EDC feels Ordinance 25-54 does not solve a variety of problems and the EDC supports a review of the itinerant merchant code with consideration of the simplicity of the mobile food regulations

From: [Rachel Lord](#)
To: [Renee Krause](#)
Cc: [Melissa Jacobsen](#)
Subject: Fw: Temporary Retail Ordinance
Date: Monday, August 11, 2025 12:09:08 PM

Hi Renee,

Could you please include this in the supplemental or laydown packets tonight?
I checked with Jenny and she gave a thumbs up.

Thanks!

Rachel

Rachel Lord
Mayor
City of Homer
c. 907-435-7209

From the Desk of the Homer Mayor - Newsletter

PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.

From: Jenny Stroyeck <wordfolk@xyz.net>
Sent: Saturday, August 9, 2025 10:26 PM
To: Mayor Email; Jason Davis; Donna Aderhold
Subject: Temporary Retail Ordinance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Rachel, Jason, and Donna-

I am curious about this ordinance as a business owner in the CBD. Are these temporary businesses required to have parking and ADA accessibility like those of us with permanent buildings? I can tell you that parking is at a premium on Pioneer Avenue in the summer and if there are going to be a bunch of tiny businesses popping up, where are their patrons going to park? I love the idea of a walking accessible downtown shopping area, but since we have no city or public parking lots for people to park their vehicles while strolling this pedestrian accessible shopping area..... how does this work?

Also, it seems that the city has a spoken commitment to increasing ADA accessibility. (And we have a long way to go!) Many businesses have done their best to provide access when remodeling, at their own cost. Others have not. This is where I see a temporary shop as different from a food truck. In every food truck I have seen, only employees enter and as long as the surface where the truck is parked is smooth and reasonably level, accessibility is generally

not a problem. If customers are entering these shops, then it is my personal opinion that they need to be following the same accessibility standards as a permanent building. Otherwise we are just perpetuating the current double standard of accessibility only for the able.

I'm also concerned about the allowance of generators. Not a fan of adding to the noise pollution already present by the increasing number of floatplanes and growing traffic. I see that the ordinance does say that noise shall not impede the business of others. But who will enforce that? We have a current sandwich board ordinance in place, and it's pretty clear that there is no enforcement of that when the sidewalks and road edges are routinely blocked both in the CBD and on the Spit. (Also creating accessibility problems and unsafe conditions on the Spit where pedestrians walk into the traffic lane to get around the sandwich boards.)

I agree with Melissa that perhaps this needs to go back to planning and be thought through a bit more. I think it's great to offer an avenue to enter retail in a small way, but I would much prefer to see a planned area (maybe adjacent to the new rec center?) where shops could be clustered, and electrical hookups could be offered to minimize noise pollution and parking is available on site.

Our town is growing by leaps and bounds. I think planing and wise growth will keep it a spot tourists love to visit, and where people can live and raise families.

Thanks for your time and all the effort you put in to make our town a safe and livable place!

Jenny Stroyeck
65240 Diamond Ridge Rd.
Homer, AK 99603

Dear Council Members, Planning Commissioners, and members of the Economic Development Committee,

As owners of The Homer Bookstore on Pioneer Avenue, we have some concerns about the proposed ordinance 25-54 addressing temporary and movable small retail shops in the central business district.

To start, please note that we are not voicing these concerns from a fear of competition. Homer is beloved by many locals and tourists from inside and outside Alaska for its diverse and interesting shops which makes it unlike many towns now populated with big chains and franchises. More small shops are better. Ask any business owner in the CBD, and I believe you will receive the same answer- Amazon has been our biggest competitor for more than 10 years and will continue to be for the foreseeable future. (Requiring them to collect sales tax was a huge step in the right direction to even this imbalance.)

However, we are concerned about the appearance of the CBD, and Pioneer Avenue in particular. In the last 25 years, since we bought our building at the corner of Pioneer and Svedlund, many buildings have been remodeled and improved and the street looks much different than it did in the 1980s and 1990s. Among the improvements just on Pioneer: The Classic Cook, the building housing Hospice and the Independent Living Center, Cyclelogical, and most recently The Porcupine Theater have received major upgrades. Nomar, North Wind, The Twisted Goat, and Zen Den have repainted and spruced up their facades. The murals and Peonies on Pioneer have added local color and flavor. We'd like to see this trend continue!

Our concerns about this proposed ordinance focus on 3 areas:

- 1) Generators: These would be allowed as a power source. Our town is already getting noisier from increased air and street traffic. Generators seem like a potential source of a LOT of noise and air pollution.
- 2) Parking: As it stands, there doesn't seem to be a parking requirement for these shops. While nowhere near the chaos on the Spit, parking on Pioneer is also becoming a problem. We understand that the city is interested in promoting walkability and we completely support that. But the large majority of those shopping on Pioneer do not live or stay within walking distance of the CBD. The reality is that they are arriving in the CBD by car. It would be great if a central city parking area was established - perhaps in conjunction with the proposed rec center? If customers ask us at the bookstore if they can leave their car in our lot while they browse up and down Pioneer, the answer is almost always "of course." The exception is large motor homes or trailers that take up a significant part of the lot. But if there are 10 or 20 small shops added to the browsing time, it would be helpful if those shops bore some of the parking burden.
- 3) Seasonality: Homer has for a very long time had a Spit and town split. Businesses on the Spit open for only the summer season, and are closed and often boarded up the rest of the year. The CBD has been the home for year round business. Galleries and restaurants downtown sometimes close for a month or two in the winter, but generally we are all open year round. We are not in favor of small shops in town that will be only open for the tourist season, and dark, empty, and possibly boarded up for more than half the year. We're also not clear what sort of structure will be required- will it be ok to have a booth that sits on the ground with sides that flip up, like a booth at the State Fair? That doesn't seem like something that will be sustainable in the colder months.

There are two temporary business clusters off the Spit- one at the corner of the bypass and Main Street, and one on the curve on Ocean Drive. One food trucks, one mostly retail. It would be interesting to talk to the owners of those businesses and see if they would consider their business viable for year-round sales or are they only interested in the tourist season. Maybe

having a similar cluster somewhere on Pioneer or Main Street would allow small businesses a place to start while not having temporary businesses scattered throughout the CBD?

In 2014, there was a conflict between Cosmic Kitchen and The Juicy Bus food truck. In the resolution of that Walt Wrede, then City Manager, said “We felt like we had a duty to protect permanent businesses that are here year round and have made a lot of investment in their buildings.” We’re not looking to ban or forbid new businesses but we and many others in the CBD have done exactly that. If we want to continue to have a thriving and viable year-round business district, please consider how temporary and mobile businesses will fit into that.

Lee Post, Sue Post, Jenny Stroyeck
The Homer Bookstore
332 E. Pioneer Ave #1
Homer, AK 99603

September 1, 1025

Dear Council Members,

I am writing in response to proposed Ordinance 25-54 which is addressing moveable business structures. While I support the effort to increase opportunities for diverse commercial uses and increase tax base, I have several concerns about the ordinance as it is written.

My first concern is that I am worried that many of these businesses will be focusing on the summer tourist season and will be boarded up in winter. That takes place all along the spit. I do not think we need boarded up buildings in the city proper and that it is not an image the city wants to project. I would hope the ordinance would require removal of the buildings when they are closed for more than a short period of time.

A second concern is what would the businesses do for power? I hope that generators would not be allowed. I think that the sound of generators is incompatible with the business district of Homer.

Lastly, what will happen with parking? Maybe it would be good idea to figure out a way to consolidate the businesses the way it is happening at the base of the spit and on Main Street.

Thank you for considering my comments.

Janet Fink
907 235-6890
Janetfink17@gmail.com

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